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# TRANSACTIONS

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OF THE

ROYAL HISTORICAL SOCIETY

EDITED BY THE

REV. CHARLES ROGERS, LL.D.,

HISTORIOGRAPHER TO THE ROYAL HISTORICAL SOCIETY; FELLOW OF THE  
SOCIETY OF ANTIQUARIES OF SCOTLAND; AND CORRESPONDING  
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## P R E F A C E.

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THE Papers embraced in the present volume will probably be deemed not unworthy of the Society's objects. The subjects are historical, and in their illustration, materials original or rarely accessible have been employed. The Council hope that in future volumes Papers may be included founded on some important documents brought to light by the Royal Commissioners on Historical Manuscripts. Since the publication of the former volume, the Society has in an increased membership indicated satisfactory progress ; last year the roll presented 303 names, now it contains 383. The acquisition of convenient apartments at 11, Chandos Street, Cavendish Square, has greatly contributed to the comfort of Members. In these and other respects the Society bids fair to accomplish the objects of its institution, and so to fulfil the best hopes of its projectors.

CHARLES ROGERS,  
HISTORIOGRAPHER.

GRAMPIAN LODGE, FOREST HILL,  
*November, 1874.*



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DOMESTIC EVERYDAY LIFE, MANNERS, AND  
CUSTOMS IN THE ANCIENT WORLD.

By GEORGE HARRIS, Esq., F.S.A.,

Fellow of the Royal Historical Society, and late Vice-President of the  
Anthropological Institute of Great Britain and Ireland.

IN the survey of the domestic every-day life, and manners and customs of the ancients, already published ("Transactions," vol. ii., pp. 393-438), we obtained a view of the earliest mode of living adopted by the inhabitants of this planet. We beheld the people at first rudely dressed in wild skins, or covered with garments made of leaves, but gradually obtaining a more refined character, as the progress of civilization, which is marked by nothing more clearly than by that of costume, advanced among them; until, influenced and moulded by the classical taste of the people of Greece and Rome, it eventually assumed that form and appearance which are so striking and so beautiful, far exceeding anything which even the science and civilization of modern times have succeeded in producing. We also peeped into the dwellings of the people by whom the earth was originally inhabited,—our primeval ancestors. We first of all found them in rude caves, habitations formed and provided for them by Nature herself. Sometimes they lived in groves. Afterwards they built for themselves tents and huts, which in form imitated their original dwellings. As the tide of civilization rolled on,

they by degrees effected improvements in their mode and style of living, until at length, among certain nations where civilization had attained a high rank, more especially in Egypt, in Greece, and in Rome, stately cities and superb dwellings were raised, in which the humble and scanty fare provided by Nature was exchanged for luxurious feasts. I now propose to inquire into certain peculiar habits connected with the ordinary occupations and manner of daily life of the people of the ancient world, affording also some account of those amusements by which mainly they were diverted. As before, my sources of information, as far as practicable, are the contemporary historians who record these particulars. Where these fail, the records of writers more modern are necessarily resorted to.

The earliest people of whose manner and mode of every-day life we have any authentic account, are the Egyptians, concerning whom the historian Herodotus has recorded some extraordinary circumstances. He says that the Egyptians "adopted customs and usages in almost every respect different from the rest of mankind. Among them the women attend markets and traffic, but the men stay at home and weave. Other nations in weaving throw the wool upwards, the Egyptians downwards. The men carry burdens on their heads, the women on their shoulders."\* Among them, "sons are not compelled to support their parents unless they choose, but daughters are compelled to do so whether they choose or not.† In other countries the priests of the gods wear long hair, in Egypt they have it shaved. With other men it is customary in mourning for the nearest relatives to have their heads shorn; the Egyptians, on occasion of death, let the hair grow, both on the head and face, though till then they used to shave. Other men live apart from beasts, but the Egyptians live with them. . . Every man wears two garments, the women but one. . . The Grecians write and cypher, moving the hand from left to right, but the Egyptians from right to left; and doing so they say they do

\* "Euterpe," ii., 35.

† *Ibid.*



it right-ways, and the Greeks left-ways. They have two sorts of letters, one of which is called sacred, the other common." \* Herodotus further tells us of the Egyptians that, "instead of addressing one another in the streets, they salute by letting the hand fall down as far as the knee.† . . . Each month and day is assigned to some particular god ; and according to the day on which each person is born, they determine what will befall him, how he will die, and what kind of person he will be.‡ . . . They have also discovered more prodigies than all the rest of the world ; for when any prodigy occurs, they carefully observe and write down the result ; and if a similar occurrence should happen afterwards, they think the result will be the same."§ Herodotus adds that "the art of medicine is thus divided among them : each physician applies himself to one disease only, and not more. All places abound in physicians ; some physicians are for the eyes, others for the head, others for the teeth, others for the parts about the stomach, and others for internal disorders."||

The following curious circumstance is recorded by Herodotus :—

"Here I saw a very surprising fact, which the people of the country informed me of. For as the bones of those who were killed in battle lie scattered about separately, . . . the skulls of the Persians were so weak, that if you should hit them only with a single pebble, you would break a hole in them ; whereas those of the Egyptians are so hard that you could scarcely fracture them by striking them with a stone. The cause of this, they told me, is as follows, and I readily assented : that the Egyptians begin from childhood to shave their heads, and the bone is thickened by exposure to the sun : from the same cause also they are less subject to baldness,

\* "Euterpe," ii., 36.

† *Ibid.*, 80.

‡ The gipsies, who are supposed to have originally come from Egypt, and who pretend skill in the art of predicting events, probably derived their knowledge from the early exercise of the craft here described.

§ "Euterpe," 82.

|| *Ibid.*

for one sees fewer persons bald in Egypt than in any other country. This, then, is the cause of their having such strong skulls. And the reason why the Persians have weak skulls is this : they shade them from the first, wearing tiaras for hats." \*

The following account of a city in Egypt is taken from the "Commentaries of Hirtius on the Alexandrian War":—"Alexandria is almost quite hollow underneath, occasioned by the many aqueducts to the Nile that furnish the private houses with water; where, being received in cisterns, it settles by degrees, and becomes perfectly clear. The master and his family are accustomed to use this; for the water of the Nile, being extremely thick and muddy, is apt to breed many distempers. The common people, however, are forced to be contented with it, because there is not a single spring in the whole city." †

The following quaint description of the mode of catching a crocodile among the ancient Egyptians, is from the graphic pen of Herodotus :—

"The modes of taking the crocodile are many and various, but I shall only describe that which seems to me most worthy of relation. When the fisherman has baited a hook with the chine of a pig, he lets it down into the middle of the river, and holding a young live pig on the brink of the river, beats it; the crocodile, hearing the noise, goes in its direction, and meeting with the chine, swallows it; but the men draw it to land. When it is drawn out on shore, the sportsman first of all plasters its eyes with mud; and having done this, afterwards manages it very easily; but until he has done this he has a great deal of trouble." ‡

As regards the every-day course of life among the Greeks, we are informed that it was customary with the Athenians, especially in the morning before noon, and in the evening before supper, to walk upon the banks of the river and round the town so as to enjoy the pure air and fine prospects. Many of them went to the market, which was the place most frequented, and around which were particular places for the sale of particular

\* "Thalia," iii., 12.

† Cap. 5.

‡ "Euterpe," ii., 70.

articles ; and different hours of the day seem to have been appropriated for the sale of various commodities. Politics and scandal were vigorously discussed in the market-place. There were also other places of resort where old men met in winter round a blazing fire for conversation. At the barbers' shops we are told that there was always a great deal of talk going on ; but as the substance of it has not been preserved, we can only guess at its import. Gossip of this kind is probably much the same in modern Great Britain as in ancient Greece. The shops most frequented in the days of Hesiod and Homer, were those of smiths and other persons which were without doors, and always had a fire burning.\* There were also houses where young men resorted to drink, and play at dice and other games.†

As most people who had estates were the cultivators themselves, they generally rode out to their farms in the morning, and after directing the labours of their slaves, returned to the city in the evening. Sometimes they were occupied in hunting, and in the exercises of the gymnasium. As the streets of the Grecian towns were not lighted in these early times, those who went out at night were preceded by a slave with a torch. Lanterns of horn were also in use. The altars and public monuments were resorted to as hiding-places by evil-disposed persons, who often robbed those who ventured abroad after dark unprotected.‡ Besides the public baths, where the people assembled in crowds, and which served the poor as an asylum against the severities of the winter, all persons of substance had baths in their houses. In course of time they found the use of these so indispensable that they introduced them into their ships.§

Among the Greeks, the wife addressed her husband by the title of lord, and never by his name. She was not admitted to his table, but lived secluded in the interior of the

\* "Arts of Greece and Rome," pp. 163, 164.

† Becker's "Charicles," translated by Metcalfe, note, p. 62.

‡ *Ibid.*, notes, pp. 127, 128.

§ "Arts of Greece and Rome," vol. i., pp. 163, 164.



house. The great Greek philosopher Aristotle reckoned it unbecoming for a man to meddle with anything in-doors, or even to know what was done there. The ladies were, however, made to do much servile as well as other work; but though they appear to have been so fully employed that they could have had no time for mischief, yet they were always under suspicion; and history records that they were most rigidly watched by their husbands and fathers, and seem to have been hardly ever at liberty to have their own way.\* Indeed, no respectable lady ever thought of taking a walk unless attended by a female slave. In the long course of events, even among the Romans, with whom the fair sex obtained much more liberty, matters vastly changed for the better.† In the end, indeed, sooner or later, it must always be found that the ladies, like truth, will prove triumphant.

So strict in Greece was the matrimonial discipline, that newly married women could not go beyond the street door. But after they became mothers, they were allowed to walk to the forum and elsewhere, attended by elderly women. In these excursions their faces were covered with veils, but so thin that they could see through them.‡

Young women, according to their station in life, were taught to read, write, sew, spin, and prepare the wool of which their clothes were made. Others were instructed in music and literature, and some of them much excelled in drawing.

\* "Arts of Greece and Rome," pp. 192, 193.

† The Romans allowed their ladies considerably more liberty than did the Greeks, and one distinguished writer of that period asks, with becoming indignity, "Which of the Romans was ever ashamed to bring his wife to an entertainment? And what mistress of a family can be shown who does not inhabit the chief and most frequented part of the house, whereas in Greece she never appears at any entertainments besides those to which none but relations are invited, and constantly lives in the innermost part of the house, which is called the women's apartment, into which no man except a near relation has admission. — *Cornelius Nepos, præfat. in vitas Imperatorum.*

‡ "Arts of Greece and Rome," vol. i., p. 193.

They were also taught to sing and dance. Some writers, however, tell us that the education of young women in Greece was grossly neglected.\* Strong-minded females, such as we in this happy age can boast of, were probably unknown in these dismal times. Some compensation was made for this neglect of intellectual culture, by the fact that the mothers of these young ladies took great pains to inculcate on them the necessity of being prudent, of holding themselves upright, keeping in their shoulders, being quite sober, and not getting too stout. Plutarch remarks of the girls of his era, that they generally worked at netting or girdles, and that some of the cleverest among them made riddles. These young ladies were, however, accustomed to be locked up, and had to exist on very scanty diet. What was worse, their waists were cruelly tightened, so as to give them a fine and light form. The Spartan girls were used to gymnastics.†

The custom of exposing children, especially those which were illegitimate, appears to have been common in Greece. For this purpose they were placed in large earthen vessels. The son was generally called after his father, or with a slight change of the name. Cradles are first mentioned by Plutarch.‡

Children, when very young, were carried out to air, having with them a sponge full of honey in a small pot, in order to stop their crying. They were dressed, when able to walk, in clothes like those of their parents, their hair alone being different. That of boys was long; girls had theirs curled, and sometimes tied behind. Plutarch says that children were taught how to put on their shoes and clothes, and to take their meat in their right hands, and hold their bread in their left.§ The children of those times appear to have been plentifully

\* Becker's "Charicles," translated by Metcalfe, p. 341.

† "Arts of Greece and Rome," vol. i, pp. 193, 194.

‡ Becker's "Charicles," translated by Metcalfe, pp. 160, 179, 182.

§ "Arts of Greece and Rome," vol. i., pp. 193, 194.

supplied with toys, including dolls and tops ; blind-man's-buff, and spinning cock chafers are spoken of as amusements.\*

It has been said of Greece, that it took the best course of breeding children of any country in the world. They were usually taught first to swim and dive, and then to read. If the father was poor, the boy was brought up to a trade. The son of a wealthy father was instructed in grammar, geometry, rhetoric, music, dancing, and the fine arts. From the schools the boys went to the gymnasia, where they practised running and wrestling. Several games were followed by Greek children, among them trundling the hoop.† They ate at the tables of their parents, but were only seated, not recumbent. Wine was not allowed them, and they were especially forbidden to eat fast, giggle, or to cross their feet awkwardly.‡

Among the Romans, a father had over his children the power of life and death. He could not only expose them when infants, but even when they were grown up he might imprison or scourge them, send them bound to work in the country, and put them to death by any punishment he pleased. Indeed, the condition of a son was in some respects harder than that of a slave. A slave, when sold once, became free. A son did not until he had been sold three times.§

If we inquire into the condition and mode of treatment of servants in the ancient world, I must premise by stating that our primitive forefathers had no servants at all, but waited on themselves. The first servants, both male and female, which were employed in domestic occupations were sons and daughters. Laban, we learn by the sacred narrative, engaged his son-in-law Jacob in this capacity, presenting him successively with his two daughters, each as the reward of seven years' service. In the course of time, as households increased, and wants became more numerous, the early inhabitants of the world resorted to their neighbours to assist them in house-

\* Becker's "Charicles," translated by Metcalfe, pp. 182, 184.

† "Arts of Greece and Rome," vol. i., pp. 196, 197, 198. ‡ *Ibid.*

§ Adams's "Roman Antiquities," pp. 44.



hold work, which was readily undertaken by those who wanted food or lodging, in return for which they rendered labour. The patriarch Abraham appears to have had many servants, who were employed principally in looking after his numerous flocks and herds. His wife Sarah seems to have filled the important office of cook, and he himself waited at table on his guests. Even in the largest establishments, at that early period, the race of footmen and coachmen had not sprung up. From the story of Joseph we learn that slaves were used as servants among the ancient Egyptians.

In Greece there were two kinds of servants. Those, first, who through poverty were forced to serve for wages, being otherwise free-born citizens; next, those who were in the power and disposal of their lords, who had as good a title to them as they had to their other property. The latter were entirely at the command of their masters, who employed them in the most wretched drudgeries; and pinched, starved, beat, and tormented them, without their being able to obtain any redress. Sometimes their masters put them to death.\*

It was accounted grievous presumption for servants to imitate the freemen in anything, or to affect to be like them in their dress, or any part of their behaviour. In those cities where it was the custom for the upper classes to let their hair grow long, it was an unpardonable offence in a servant wearing long hair. Servants had a peculiar fashion in which they cut their hair, which they laid aside whenever they were so fortunate as to escape from servitude. Slaves were not even allowed to be called by any of those names generally in use among free persons, which was considered to degrade them. Nor were slaves permitted to plead or to be witnesses in any cause. It was, however, customary to extort confessions from them by torture. †

The common way of punishing slaves who had been guilty of any offence, was to scourge them with whips. Those who had been convicted of any very serious crime, were con-

\* Potter's "Grecian Antiquities," vol. i. p. 76. † *Ibid.*, pp. 68, 69.

demned to work at a mill; which was a most laborious occupation, as they were forced to beat the grain into meal, being unacquainted with the present mode of grinding it, an invention of later ages.\*

Fetters were often fastened to the feet of slaves, not only to prevent them running away, but also as a punishment. They were also branded on the forehead, which those so punished contrived to conceal by covering the mark with their hair.† At Athens, several places in the Forum were appointed for the sale of slaves; and upon the first day of every month they were brought into the market, the crier standing upon a stone erected for that purpose, and calling the people together. When a slave was first brought home, he was provided with an entertainment to welcome him to his new service, and treated with sweetmeats.‡

It has been said of the heroes described by Homer, that they were both their own butchers and their own cooks—occupations singularly unheroic. Achilles, we are informed, occupied himself in “cutting up the meat into small parts, and transfixing them around the spits.” The object of Lycurgus was to establish hardy and military habits, and the profession of cook at Sparta was hereditary. There they had little inducement to vie with one another in the delicacy and luxury of their dishes. The famous black broth of that country, was probably very simple as regards its materials, and very easy as regards the process of making it. Nevertheless, some cooks were only allowed to dress flesh, others to make broth. Eventually, however, even in Greece, the art of cookery made very great advances, and rose into high esteem. Some of their cooks attained peculiar skill in making meat resemble both fish and poultry. Athenæus tells us that King Nicomedes, wishing for some herrings when at a distance from the sea, his cook made an imitation of one, along with other fish. He

\* Potter’s “Grecian and Roman Antiquities,” vol. i., p. 73.

† Becker’s “Charicles,” translated by Metcalfe, pp. 278, 279.

‡ Potter’s “Grecian and Roman Antiquities,” vol. i., p. 81.



also mentions a cook who was so dexterous as to draw and stuff, without paunching, a pig, half roasted and half boiled. He made a little hole under the shoulder, through which he drew all the intestines ; after which, he washed it with wine, poured in at the mouth, which he let run out by hanging it up by the feet, and then stuffed it with forced meat. These clever cooks of Greece also made pastry, cakes, sauces, and ragouts.\*

Achilles is described in Homer as carving for his visitors, and every man had his mess which he was expected to eat, instead of calling for what was not to be had, and finding fault with what he had got. Joseph is represented as sending to Benjamin, a larger mess than the others had. And it was customary at those periods to help the persons most respected to the best parts. The custom of sending portions to absent friends is mentioned in Samuel i., 5 ; Nehemiah viii., 10 ; and also by Plutarch. In after ages every man carved for himself.†

During the heroic ages the heralds, who were deputed to all sorts of offices, and handsome youths, even those of high rank, and girls, filled the cups ; the bigger boys serving the water, the younger the wine. Full cups were distributed to men of quality, equal proportions to the rest. Montfaucon has given us several figures of these waiters, who had their hair curiously dressed, and wore tunics without sleeves, reaching only to the knee, and drawn in at the waist.‡ Philo the Jew, tells us that it was usual to procure the most beautiful slaves to attend at these entertainments, not so much for any service they were to perform, as to gratify the eyes of the beholders ; and that they were washed, trimmed, and painted, with their hair curled in various forms.§

At Rome there was a continual market for slaves, who were exposed to sale naked, with a scroll hanging from their necks, on which their good and bad qualities were specified. Criminals were often reduced to slavery by way of punish-

\* " Arts of Greece and Rome," vol. i., pp. 181, 182, 183. † *Ibid.*, p. 183.

‡ *Ibid.*, vol. i., p. 183.

§ Potter's " Grecian Antiquities," vol. ii., p. 389.

ment. Slaves not only performed all the domestic service, but were also employed in various trades and manufactures. Such as were ingenious, were occasionally instructed in literature and the liberal arts. These were sold at a great price. The country farms of the wealthy Romans in later times were cultivated chiefly by slaves. But there were also freemen who worked for wages.\*

Among the Romans, as among the Greeks, masters had an absolute power over their slaves. They might scourge or put them to death at pleasure, although laws were at different times made to restrain this power. The lash was the common punishment; but for certain crimes slaves were branded in the forehead, and sometimes were forced to carry a piece of wood round their necks, called a *Furca*. When slaves were beaten, they were suspended with a weight tied to their feet, so that they could not move them. Crucifixion was the ordinary capital punishment for slaves.†

From what has been stated respecting the treatment of wives, both in Greece and Rome, it must appear that the transition from the subject of slavery to that of matrimony in ancient times is not very abrupt or extensive. Herodotus relates of the Babylonian men, that they strangled their wives, merely to prevent them consuming their provisions.‡ Both in Greece and in Rome, the condition of the women appears to have been quite servile; in addition to the restrictions I have mentioned, they were rigorously debarred from the use of wine, and their husbands never allowed them possession of the key of the cellar. It is even asserted that a wife who stole the key, or was caught at the liquor, was put to death with impunity—in one case by her own kindred, in the other by her incensed husband. Ultimately, Roman wives enjoyed every species of liberty, triumphing completely over their husbands and oppressors. Some of these ladies indulged their freedom so far as to appear as wrestlers in the arena of the circus and the amphitheatre.§

\* Adams's "Rom. Ant.," pp. 33, 34, 35. † Ad. "Rom. Ant.," p. 35.

‡ "Thalia," iii., 150, 159. § "Arts of Greece and Rome," vol. ii., pp. 170, 171.

The following singular custom is mentioned by Herodotus as prevailing among the people of Babylon in regard to marriage. He writes, "Once in every year the following course is pursued in every village. Whatever maidens were of a marriageable age they used to collect together, and bring in a body to one place; around them stood a crowd of men. Then a crier, having made them stand up one by one, offered them for sale, beginning with the most beautiful; and when she had been sold for a large sum, he put up another, who was next in beauty. They were sold on condition that they should be married. Such men among the Babylonians as were rich and desirous of marrying, used to bid against one another, and purchase the handsomest. But such of the lower classes as were desirous of marrying, did not require a beautiful form, but were willing to take the plainer damsels with a sum of money. For when the crier had finished selling the handsomest of the maidens, he made the ugliest stand up, or one that was a cripple, and put her up to auction, for the person who would marry her with the least sum, until she was adjudged to the man who offered to take the smallest sum. This money was obtained from the sale of the handsomest maidens; and thus the beautiful ones portioned out the ugly and the crippled. A father was not allowed to give his daughter in marriage to whom he pleased; neither might a purchaser carry off a maiden without security, but he was first obliged to give security that he would certainly marry her, and then he might take her away. If they did not agree, a law was enacted that the money should be repaid. It was also lawful for any one who pleased, to come from another village and purchase. Such was their best institution; it has not, however, continued to exist."\* There is no instance recorded on the Egyptian monuments of any person having more than one wife at a time, although some authorities say that while the priests were allowed only one each, the laity were not restricted in this respect.†

In several of the Grecian commonwealth, marriage was

\* "Clio," i., 196. † Note to Sir H. Rawlinson's "Herodotus," b. ii, c. 92.



considered very honourable, and was much encouraged by their laws, as the abstaining from it was discountenanced, and in some places even punished. Among the Spartans, the bride was carried off by the husband forcibly, and indeed the seizure of the bride was a necessary part of a Spartan marriage. The young woman could not properly, it was thought, surrender her freedom, unless compelled to do so by the violence of the stronger sex. The Lacedemonians enacted severe laws against those who deferred marrying, as well as against those who wholly abstained from it. Polygamy was not commonly tolerated in Greece, although it appears in some cases to have been allowed. Darius, we are informed, had several wives, but only one queen.\* Of Socrates it is recorded that he not only had two wives, but that he married them both at the same time.† A father not unfrequently selected a wife for his son, whom the son had never seen before. Sometimes, we are told, the father adopted this mode of putting a stop to the debaucheries of the son, who received the wife as a sort of penalty inflicted on him.‡

The bride was usually conducted in a chariot from her father's house to her husband's in the evening. Torches were carried by servants, and the bride's party was attended by singers and dancers. On arriving at their destination, the axle-tree of the carriage was burnt, thereby signifying that the bride was never to return to her father's house.§

Among the Romans, there were three different modes of effecting a marriage :—1. When a woman, with the consent of her parents and guardians, lived with a man for a whole year. 2. When a man and woman were joined together by the priest, in the presence of at least ten witnesses, by a set form of words, and by tasting a cake made of salt, water, and flour, which was offered, with a sheep, in sacrifice to the gods. 3. When a man and woman were married by delivering to one

\* Note to Sir H. Rawlinson's "Herodotus, b. vii., c. vii.

† Potter's "Grecian Antiquities," vol. ii., p. 259.

‡ Becker's "Charicles," translated by Metcalfe, p. 149.

§ Potter's "Grecian Antiquities," vol. ii., pp. 282, 283, 284.

another a small piece of money, and repeating certain words indicative of their mutual consent to this union.\* No young man or woman was allowed to marry without the consent of their parents or guardians. The time considered the most fortunate for marrying was the middle of June.† On the wedding day, the bride was dressed in a long white robe bordered with a purple fringe, embroidered ribbons, and tied in a knot, which the husband untied. Her face was covered with a red or flame-coloured veil, her hair was divided into six locks with the point of a spear, and crowned with flowers, and her shoes were of the same colour with her veil.‡

On the bride reaching her husband's house, she had the keys presented to her, whereby she was constituted mistress of it. But when the husband divorced his wife, he took the keys from her. Among the Romans, the bride and her husband always walked home hand-in-hand, and did not, as among the Egyptians and Greeks, ride in a chariot. The doors of the house were adorned with garlands of flowers and green boughs. And the bride's toilet was carried by a boy in a basket that was covered.§

Herodotus relates that the Egyptians were the first to discover the year, which they divided into twelve parts; and that they made this discovery from the stars. "So far," adds the historian, "I think they act more wisely than the Grecians, in that the Grecians insert an intercalary month every third year, on account of the seasons; whereas the Egyptians reckoning twelve months of thirty days each, add five days each year above that number, and so with them the circle of the seasons comes round to the same point."|| The Greeks appear to have had no knowledge of astronomy, and consequently no certain measure of time, until they began to have intercourse with the Babylonians, Egyptians, Persians, and other Eastern nations. Hence, in the heroic ages, the years were

\* Adams's "Roman Antiquities," pp., 425, 426.

† *Ibid.*, 429.

‡ *Ibid.*, pp., 429, 430.

§ "Dictionary of Grecian and Roman Antiquities," art. "Matrimony."

|| "Euterpe," ii., 4.

remembered by the return of seed-time and harvest, and the several seasons of labouring and resting. The day itself was not then distinguished into certain and equal portions, but was measured rudely and inaccurately by the rising and setting of the sun. Yet in Homer's time, lunar months seem to have been in use, also a certain form of years, comprehending several months. Nevertheless, the Greeks had no settled form of years and months, wherein the solar and lunar revolutions were regularly fitted to each other.\* The invention of the sun-dial has been attributed to the Babylonians. But the division of time into hours, appears to have been unknown to the ancient Romans during 300 years, their only recognised division being the rising and setting of the sun.†

Several ancient nations commenced the year at different times. The Roman January, which was the first month, fell in the depth of winter. The Arabians and others began their year in the spring. The ancient Athenian year began after the winter solstice. The number of months too, was not in all places the same. The Romans had at first only ten months, the last of which for that reason was termed December. Afterwards they were increased to twelve. The Egyptians had at first only one month, which was afterwards divided into four, according to the seasons of the year.‡ The ancient Romans did not divide their time into weeks. But this custom was introduced under the Emperors. The days of the week were named from the planets, as they still are.§

Various reasons have been assigned for the names of the different months. March, or Mars, was so called because it was consecrated to the god of war. April is said to be derived from *aperire*, to open, because in that month the flowers begin to open. May was derived from Maia, the mother of Mercury. June took its name from Juno, July from Julius, and August from Augustus. September, October, November, and December, merely indicate the numerical order which they hold

\* Pott. "Gr. Ant." 519, 520, 521. † "The Arts of Greece and Rome," 182.

‡ Pott. "Gr. Ant.," 523. § Adams's "Roman Antiquities," 303, 304.



in the calendar. January was named in honour of Janus ; and February was so called from the verb *februare*, to purify, because a lustration was then made for the sins of the people during the whole year.\*

On the first day of January in ancient Rome, all workmen began their works, every one according to his art and trade, and the scholars did the like ; being persuaded that having thus begun the year by working, they would be diligent and laborious all the rest of the year. On this day, too, the Romans laid down all animosity, and were very careful to speak no word of evil omen. Friends sent presents on that day to one another, which were called "New Year's gifts.† I may observe that the terms *fortnight* and *sennight*, commonly in use among us, imply a custom of computing time by night and not by days, which is supposed to have arisen from the pagan worship of the moon.‡

Of the instruments in use among the ancients for measuring time, the earliest was the sun-dial, the invention of which may probably have arisen from observing the shadow cast by the sun from any particular object, and the exact conformity of the shadow from day to day with the position of the sun, and consequent period of the day. When such an object, whether a tree, or a stump, a rock, or building, happened to be placed in a spot convenient for the purpose, being fully exposed to the sun, with space around it for receiving the shadow, it would form a sort of natural sun-dial. But when no object adapted for the purpose was to be met with, men were naturally led to supply the want by erecting some object well calculated to cast a shadow, and by clearing an even space around it on which the shadow might fall. In course of time they placed marks in this space to denote the changes and progress of the shadow, and eventually substituted figures corresponding with the hours of the day for this purpose. Hence the origin and invention of the sun-dial.

\* "Arts of Greece and Rome," pp. 51, 52.

† "Dictionary of Greek and Roman Antiquities," art. "Januarius."

‡ Markham's "History of France," p. 24.

The hour-glass was probably the next instrument which in the order of time came to be invented for the purpose of measuring the periods of the day. We might conjecture that the earliest machine used for this purpose, what I might term the first artificial hour-glass, was some leaky vessel for holding water, out of which the water gradually oozed by a drop at a time. When it had been observed how regular it was in its functions, always taking the same time to empty itself, as appeared by the sun-dial, it might itself be substituted for that instrument, over which it would have the advantage of being available in cloudy as well as sunny weather. So well, indeed, would it be found to answer its purpose, that other vessels for holding water might be made to leak in the same way, to serve as measures of time. After some experience, sand would be put into vessels instead of water, and thus we arrive at the origin and invention of the hour-glass.

Hour-glasses, provided with water instead of sand, were very early in use among the Romans. There were several sorts, but all were known as *clepsydra*. The water was made to run by gentle degrees through a narrow passage from one vessel to another, and which, rising by little and little, lifted up a piece of cork, which showed the hours in different ways. We are told, however, that these kinds of hour-glasses were subject to two inconveniences. The first, of which Plutarch takes notice, is that the water passed through with more or less difficulty according as the air was thick, cold, or hot, which prevented the hours, or rather the measurement of them, from being equal. The other is that the water ran faster at first, when the vessel from whence the water came was full, than at last. In order to avoid this inconvenience, they had a small ship floating upon the water, which emptied itself by a siphon in the middle of it; and the ship sinking according to the quantity of water that came out of the siphon, made it always run with the same force, as it always received the water near the surface. Some of these hour-glasses they



contrived for measuring the day both in summer and winter, by altering the size of the hole through which the water passed, so as to make it flow slower in the long days, and faster in the shorter.\* It would seem they overlooked the important fact that, though the period of daylight changes, the length of the hours must remain the same. Hour-glasses made by water were discovered by the Egyptians, and in the town of Achante, beyond the river Nile, 360 priests were every day employed in pouring water out of the Nile into a vessel, out of which they let it drop by little and little, to measure the hours.†

The Greeks were for a long time without either clocks or sun-dials.‡ But eventually they adopted hour-glasses in which water was used. They had also a clock for the night, the invention of which is attributed to Plato. It was an instrument made to emit sound, and was composed of several flutes.§ A clock of this kind was made to strike by dropping brass balls into a basin of the same metal. But clocks with wheels appear to have been wholly unknown to either the Egyptians, Greeks, or Romans.||

Respecting the animals known to the ancients, and the mode of treating them, some marvellous accounts are given. I have quoted Herodotus's account of a fishing expedition, and his directions for catching a crocodile, very different from any advice to be found in the pages of Izaak Walton. The following description of some animals in the district of Libya is given by Herodotus. "Amongst the Lotophagi, the kine that feed backwards are met with. They feed backwards for this reason: they have horns that are bent forward, therefore they draw back as they feed; for they are unable to go forward, because their horns would stick in the ground. They differ from other kine in no other respect than this, except that their hide is thicker and

\* "Dictionary of Greek and Roman Antiquities," art. "Clepsydra."

† *Ibid.*, art. "Horologium."

‡ *Ibid.*

§ *Ibid.*

|| *Ibid.*

harder.”\* Of a race of people called the Troglodytes, he remarks that they are hunted by the Garmantes in four-horse chariots ; “for the Egyptian Troglodytes are the swiftest of foot of all men of whom we have heard any account given. The Troglodytes feed upon serpents and lizards, and such kind of reptiles ; they speak a language like no other, but screech like bats.” †

The same distinguished writer, when referring to the Egyptians, writes:—“They have a custom relating to animals of the following kind. Superintendents, consisting both of men and women, are appointed to feed every kind separately ; and the son succeeds the father in the office. All the inhabitants of the cities perform their vows to the superintendents in the following manner:—having made a vow to the god to whom the animal belongs, they shave either the whole heads of their children, or a half, or a third part of the head, and then weigh the hair in a scale against silver, and whatever the weight may be they give to the superintendent of the animals ; and she in return cuts up some fish, and gives it as food to the animals : such is the usual mode of feeding them. Should any one kill one of these beasts, if wilfully, death is the punishment ; if by accident, he pays such fine as the priests choose to impose. But whoever kills an ibis or a hawk, whether wilfully or by accident, must necessarily be put to death.” ‡

Herodotus, when speaking of the Egyptian cats, remarks that though the people are in the habit of killing their kittens, they do not eat them. He then continues,—

“When a conflagration takes place, a supernatural impulse seizes on the cats. For the Egyptians, standing at a distance, take care of the cats, and neglect to put out the fire ; but the cats, making their escape, and leaping over the men, throw themselves into the fire ; and when this happens, great lamentations are made among the Egyptians. In whatever house a cat dies of a natural death, all the family shave their eyebrows only ; but if a dog die, they shave the whole body

\* “Melpomene,” iv., 183.

† *Ibid.*

‡ “Euterpe,” ii., 65.

and the head. All cats that die are carried to certain sacred houses, where, being first embalmed, they are buried in the city of Bubastis. All persons bury their dogs in sacred vaults within their own city; and ichneumons are buried in the same manner as the dogs: but field-mice and hawks they carry to the City of Bats; the ibis to Hermopolis; the bears, which are few in number, and the wolves, which are not much larger than foxes, they bury wherever they are found lying.”\*

Cats were embalmed and buried where they died, and their mummies have been discovered at Thebes and other Egyptian towns, as also those of hawks and ibises. Cows, dogs, mice, and other animals have been found embalmed and buried at Thebes.†

Concerning the crocodile, Herodotus observes that “of all living things with which we are acquainted, this, from the least beginning, grows up to be the largest. For it lays eggs little larger than those of a goose, and the young is at first in proportion to the egg; but when grown up it reaches to the length of seventeen cubits, and even more. It has the eyes of a pig, . . . and is the only animal that has no tongue. . . . It is blind in the water, but very quick-sighted on land; and because it lives for the most part in the water, its mouth is filled with leeches. All other birds and beasts avoid him, but he is at peace with the trochilus, because he receives benefit from that bird. For when the crocodile gets out of the water on land, and then opens its jaws, the trochilus enters its mouth and swallows the leeches: the crocodile is so well pleased with this service, that it never hurts the trochilus. With some of the Egyptians, crocodiles are sacred; with others not, but they treat them as enemies. Those who dwell about Thebes and Lake Mœris consider them to be very sacred; and they each of them train up a crocodile, which is taught to be quite tame; and they put crystal and gold ear-rings into their ears, and bracelets on their fore-paws; and they give them appointed and sacred

\* “Euterpe,” ii., 66, 67.

† Note to Sir H. Rawlinson’s “Herodotus,” b. ii., c. 67.



food, and treat them as well as possible while alive, and when dead they embalm them, and bury them in sacred vaults.”\*

Herodotus also informs us that if any person, whether Egyptian or stranger, be found to have been seized by a crocodile, the inhabitants are by law compelled to have the body embalmed.† “The hippopotamus,” he adds, “is esteemed sacred in the district of Papremis, but not so by the rest of the Egyptians. This is the nature of its shape: it is a quadruped, cloven-footed, with the hoofs of an ox, snub-nosed, has the mane of a horse, projecting tusks, and the tail and neigh of a horse.”‡

Of the Arabian sheep, Herodotus gives the following extraordinary account:—“They have two kinds of sheep worthy of admiration, which are seen nowhere else. One kind has large tails, not less than three cubits in length, which, if suffered to trail, would ulcerate, by the tail rubbing on the ground. But every shepherd knows enough of the carpenter’s art to prevent this, for they make little carts, and fasten them under the tails, binding the tail of each separate sheep to a separate cart. The other kind of sheep have broad tails, even to a cubit in breadth.”§ It is a remarkable fact, however, that sheep are never represented as being on the altar, or slaughtered for the table, at Thebes, though they were kept there for their wool; and Plutarch remarks that “none of the Egyptians ate sheep except the Sycopolites.” (De Isid., s. 72.) ||

Oxen were lawful food for the Egyptians, but cows and heifers were forbidden to be killed, either for the altar or the table, being consecrated to Athor.¶

A pig is seldom represented in the sculptures at Thebes. The flesh was forbidden to the priests, and it seems only to have been allowed to others once a year, at the *fête* of the full moon.\*\* A notion or superstition still prevails in some agricultural districts of England, that a pig should only be killed at the full moon.

\* “Euterpe,” ii., 68, 69. † *Ibid.*, 90. ‡ *Ibid.*, 71. § “Thalia,” iii., 113.

|| Note to Sir H. Rawlinson’s “Herodotus,” b. ii., c. 42.

¶ *Ibid.*, c. 18.

\*\* *Ibid.*, c. 47.

A singular incident in regard to the Egyptian mode of cultivating land is mentioned by Herodotus. He relates that when any person had sown his land, he turned swine upon it, in order that they might tread in the seed ; and that when the harvest-time arrived, swine were used to tread out the corn.\* An engine was also invented at this early time to irrigate the land, of which representations have been discovered on some of the Egyptian monuments. Indeed, agriculture seems to have been assiduously and successfully followed among the ancient Egyptians. Representations of sowing and ploughing are frequent on their monuments. Oxen as well as pigs were used for treading out the grain. The Bible, too, abounds with accounts of the manner in which agriculture was practised in the early ages.

The mode of salutation among the Persians is thus described by Herodotus :—

“When they meet one another in the streets, one may discover, by the following custom, whether those who meet are equals ; for, instead of accosting one another, they kiss on the mouth ; if one be a little inferior to the other they kiss the cheek ; but if he be of a much lower rank, he prostrates himself before the other. They honour above all, those who live nearest to themselves ; in the second degree those that are second in nearness ; and after that, as they go further off, they honour in proportion ; and least of all, they honour those who live at the greatest distance.”†

Among the Greeks, the most common form of salutation was by joining the right hands, the right hand being accounted a pledge of fidelity and friendship. When Pythagoras advised that the right hand should not be given to every man, he meant that all persons were not fit to be made friends of. The ceremony is very ancient, and is alluded to by Homer. They also kissed the lips, hands, knees, or feet, in salutations, as the person deserved more or less respect. There was a particular sort of kiss, which was called *the pot*, when they took the person, like a pot, by both his ears, which was

\* “Euterpe,” ii., 14.

† “Clio,” i., 134.

chiefly practised by or towards children. But sometimes it was used by men and women.\*

Hospitality was a virtue in great esteem among the ancients. In every respectable house were apartments built for the reception of strangers. When a traveller arrived, nobody asked him his country, his name, or his business; but by the master of the house, if he bore the appearance of rank, or by a domestic, if of inferior aspect, he was taken by the hand and conducted into the house. The first care was to show him to the bath—a custom which is still observed towards visitors of a particular order, those who involuntarily visit our gaols on the invitation of the magistrates. In ancient days the visitor was attended to the bath by the daughters or servants of the host. He was next taken to the table; and during the whole of his stay he was provided with suitable clothes from the wardrobe of the host, who until the tenth day had no right to ask any question of his guests. This attention to a great duty was of incalculable utility at a time when there were no houses, such as inns, or hotels, to receive travellers or strangers.† In our own day, we should not consider the convenience of being able to put up at any stranger's house which, from its exterior, appeared likely to afford suitable and hospitable accommodation, to be sufficient compensation for the inconvenience of being obliged to take in strangers, at any time, who might come uninvited, and who might claim not only to join us at our meals, but to appear attired in our best suits! But in early times, the obligation to receive strangers was one of religion. They were believed to be under the protection of certain gods, who would revenge any injury done to them. Homer alludes to this notion. And it was the general opinion of antiquity, that the gods themselves sometimes travelled under the human form, to prove the hospitality of men.‡

On a stranger entering a house, salt was placed before him, which was considered a divine symbol. Some have

\* Potter's "Grecian Antiquities," vol. ii., pp. 370, 371.

† "Arts of Greece and Rome," vol. ii., p. 183.

‡ *Ibid.*



supposed that as it preserves flesh from corruption, it was intended to preserve good-will between visitor and host. It has also been suggested that as salt was used in lustrations, so it was emblematical of the purity which should connect hearts.\* Indeed, salt was held in great veneration by the ancients, and was always used in sacrifices. It was the chief thing eaten by the ancient Romans with bread and cheese. A family salt-cellar was kept with great care; and to spill the salt at table was considered a very bad omen.†

There were inns of a certain class, in the times of the Romans, not only in towns, but along the roads. Taverns were attached to the various villas on the highway, in order to enable the owners to dispose of the wine produced on their estates. Houses of entertainment of this kind existed also in Rome, but they were chiefly resorted to by people of the lower order. In later times eating-houses were the resort of idle and disorderly people of the better class.‡ Frequent allusions to inns are made in the Bible.

The drama was, according to Polybius, an invention of the Arcadians, for the purpose of civilizing the rude manners of the inhabitants. The first efforts were made by a rustic chorus on the festivals of Bacchus and Ceres, the stage being a waggon, afterwards a moveable wooden platform. Thespis introduced an actor, who spoke only soliloquies. Æschylus added another for the sake of dialogue, and introduced painted scenes; and instead of faces smeared with wine lees, gave them the buskin, and decently shaped them. Sophocles brought on a third, which number was not exceeded in the Greek tragedies during the same scene; but the rule was not observed in comedy. The women danced. Female parts were performed by eunuchs. Masks of different kinds were worn by actors, some of which were so cleverly contrived that the profile on one side exhibited chagrin, on the other serenity, or whatever was the passion

\* "Arts of Greece and Rome," vol. ii., p. 183.

† Adams's "Roman Antiquities," p. 411.

‡ Becker's "Gallas," translated by Metcalfe pp. 226—273.

required. The necessity of augmenting the vocal powers of the performers on account of the size of the theatres, suggested metallic masks, on the principle of speaking-trumpets. Painted scenes, of tapestry work, were introduced as decorations to the comic or satiric dramatic pieces, and triangular slips were attached to the side entrances, by turning which the messengers and travellers were introduced upon the stage as coming from the country, port, or city. Sometimes, by means of machines, sea and river gods appeared behind the stage. On other occasions, Mercury, Iris, and other divinities rose from the stage, borne through the air by chariots or clouds, suspended by cords. There was also a machine, or manufactory, for producing thunder and lightning,\* by means of brazen vessels full of stones.†

In Greece, the most illustrious of both sexes thought it honourable to exercise themselves in the exhibitions of the theatre, and even to appear in the athletic games. Throughout Greece it was deemed the highest honour to obtain the prize in the Olympic games; and no man blushed to be a performer in plays and pantomimes, and give himself a spectacle to the people. It appears, however, that the Greek women were by law excluded from the Olympic games.

Women were not, indeed, allowed to be present at the performance of comedy in the early days of the Greek theatre; but boys were permitted to be present at both. Men and women sat apart. The presentations commenced early in the morning, though some say not till after breakfast. The audience did not scruple to evince approval, or the reverse, of both actors and spectators, by whistling and hissing. They sometimes beat the actor who displeased them.§

Livy relates that during the pestilence which prevailed in Rome in the year of the city 391, "among other means of appeasing the wrath of the gods, scenic plays were instituted.

\* "Arts of Greece and Rome," vol. i., pp. 107, 115.

† Potter's "Grecian Antiquities," vol. i., p. 50.

‡ Note to "Bohn's Tacitus," vol. ii., p. 402.

§ Becker's "Charicles," translated by Metcalfe, pp. 297, 303.



Hitherto there had been only the shows of the circus. But the matter was trivial, and even that was from a foreign source."

Tacitus, in his *Annals*, written at a later period, mentions riots in Rome connected with the theatre, which had begun the year before, in which "several, not of the people only, but of the soldiers, with a centurion, lost their lives; and a tribune of a prætorian cohort was wounded whilst they were securing the magistrates from insults, and restoring tranquillity among the rabble. This tumult was canvassed in the senate, and opinions were given that the prætors should be empowered to whip the players."\* Opposition to the proposal, however, prevailed, because the deified Augustus had formerly given his judgment "that players were exempt from stripes."† Some decrees were, nevertheless, made respecting the money to be expended in theatrical exhibitions, and to restrain the licentiousness of their partisans. One of these provided that no senator should enter the houses of pantomimes; that Roman knights should not attend them when they went into the street; that they should exhibit nowhere but in the theatre; and that the prætors should have power to punish the excesses of the spectators with exile."‡

The same distinguished writer subsequently relates that "after many, and generally ineffectual complaints from the prætors, the Emperor Tiberius at last made a representation to the senate concerning the licentiousness of the players; that in many instances they seditiously violated the public peace; and in many promoted debauchery in private families; that the Oscan farce, formerly only the contemptible delight of the vulgar, had risen to such a pitch of depravity, and exercised such an influence on society, that it must be checked by the authority of the senate. The players were then driven out of Italy."§

The following account of an accident to a Roman theatre

\* B. i., c. 77.

† *Ibid.*\*

‡ *Ibid.*

§ *Annals*, b. iv., c. 14.

during a crowded performance is related by Tacitus ; and in many respects it strikingly corresponds with occurrences of the same character in our own times :—

“A sudden calamity occurred in the consulship of Marcus Licinius and Lucius Calpurnius, which equalled the havoc of the most destructive wars ; its beginning and end were simultaneous. One Atilius had undertaken to erect an amphitheatre at Fidenæ, there to exhibit a combat of gladiators ; he was of the race of freedmen, and as he engaged in the business from no exuberance of wealth, nor to acquire popularity among the inhabitants, but as a matter of sordid gain, he neither put it upon solid foundations, nor employed braces to strengthen the wooden fabric which formed the superstructure. Thither flocked from Rome persons of every sex and age, eager for such shows, as during the reign of Tiberius they were debarred from diversions at home, and in greater crowds from the nearness of the place : hence the calamity was the more disastrous ; for the theatre being crowded so as to form a dense mass, and then rent asunder, some portions tumbling inwards, others bulging towards the outer parts, a countless number of human beings, either intent upon the spectacle, or standing near around the place, were borne headlong to the ground, or buried under the ruins. Those, indeed, who were killed by the shock of the first crash, escaped, as far as was possible in such a disaster, the misery of torture : much more to be pitied were those who, with portions of their bodies torn away, were not yet forsaken of life ; those who by day beheld their wives and children, and by night distinguished them by their groans and cries. And now others, summoned to the spot by the sad tidings, bewailed one his brother, another his kinsman, a third his parents : even they whose friends or kindred were absent on a different account were yet terrified ; for as it was not as yet distinctly known who had fallen in the calamity, the alarm spread wider from the uncertainty.

“When the ruins began to be removed, they crowded round the dead, embracing them and kissing them ; and frequently

there arose a contest about their identity, where distortion of the features, personal resemblance, or similarity of age had created a liability to error in those who claimed them. Fifty thousand souls were crushed to death or maimed by this sad disaster : it was therefore for the future provided by a decree of the senate, 'that no man under the qualification of four hundred thousand sesterces should exhibit the spectacle of gladiators ; and no amphitheatre should be founded but upon ground of proved solidity.' Atilius was punished with exile. However, immediately upon this destructive calamity, the doors of the great were thrown open ; medicines and physicians were furnished to all ; and at this juncture the city, though under an aspect of sorrow, presented an image of the public spirit of the ancient Romans, who after great battles relieved and sustained the wounded by their liberality and attentions."\*

A similar catastrophe occurred on one occasion at Athens, when nearly the whole city, as well as the magistracy and nobility, were assembled in the theatre, which being too weak to support such a multitude, on a sudden fell down with a mighty crash, burying the greater part of them in its ruins.†

From the foregoing accounts, we are able to form an idea of the immense size of ancient theatres, some of which appear to have been capable of containing 50,000 persons. Pliny the elder tells us that Pompey's theatre was large enough to hold 40,000 men. We have a description of it in Tacitus, who, after mentioning that during the reign of Nero some foreign ambassadors came to Rome, proceeds to state that "among the several sights which are usually shown to barbarians, they were conducted into Pompey's theatre, that they might observe the immensity of the Roman people. Here, while they gazed round them—for indeed they took no delight in scenic representations which they understood not,—asking about the mass of people seated in the pit, the distinctions of orders, 'which were the Roman knights, and

\* Annals, book iv., c. 62, 63.

† Potter's "Grecian Antiquities," vol. ii., p. 49.



where sat the senate,' they spied certain persons in a foreign habit, sitting upon the benches of the senators, and asked, who were these?" This, they were told, "was a distinction conferred upon the ambassadors of such nations as signalized themselves by their merit, and friendship towards the Romans."\*

Tacitus informs us that "neither noble descent, nor age, nor offices of honour borne, prevented any one from practising the art of a Greek or Roman stage-player, even to their effeminate gestures and modulations; nay, even illustrious ladies practised unseemly things: and in the grove which was planted by Augustus, round the lake where the naval combat was exhibited, for their entertainment taverns and booths were built, and incentives to wantonness were exposed to sale."†

In the pages of the same distinguished writer we have an account of the appearance upon the stage of the Emperor Nero, who, we are told, "first recited a poem upon the stage; but afterwards, the people importuning him 'to give them the benefit of all his accomplishments' (their very words), he mounted the orchestra, and complied with all the laws of the harp,—not to sit down from fatigue; not to wipe off the perspiration with anything but the garment he wore; and that no secretions from the mouth or nostrils should be visible; lastly, going down upon his knee, and stretching out his hand in a supplicatory form to the persons assembled there, he awaited the voices of the judges with pretended agitation; and the populace of the city for their part, accustomed to encourage the gesticulations of the stage-players, applauded him from one end of the theatre to the other, in measured time, and according to a set form of clapping. You would have supposed that they were delighted, and possibly they were, from insensibility to the public disgrace. But those who had come from remote municipal towns, and occupied that part of Italy where strictness of manners and primitive simplicity were still preserved; those, too, who had

\* Annals, b. xiii., c. 54.

† *Ibid.*, b. xiv., c. 15.



come from the various distant provinces in the capacity of ambassadors, or on private business, could neither endure this sight, nor were able to perform the degrading task ; for their inexperienced hands soon tired, and they embarrassed those who understood it, in consequence of which they were often struck by the soldiers who were stationed in different parts of the benches, that not a moment of time should be misapplied in discordant applause or sluggish silence. It is certain that many knights were trampled to death in making their way through the crowded avenues and the pressing multitude ; and that others, from being on the seats for a day and a night without intermission, were seized with dangerous disease ; for, in truth, they had more serious apprehensions if they failed in attending the exhibition, there being many employed openly, and more secretly, to note the names and countenances, the alacrity or reluctance of the company. The consequence was that punishment was at once inflicted on the meaner sort, while his resentment against persons of rank was stifled for the present, and paid off afterwards. And it was said that Vespasian was severely rebuked by Phœbus, his freedman, for closing his eyes as if in sleep ; and having been with difficulty shielded by the entreaties of men of influence, escaped the destruction that threatened him afterwards, by the fatality which reserved him for greater things."\*

The plays of the circus were in imitation of the Olympic games in Greece, and were much used at Rome. They continued for five days, and were of five different kinds. The first was the race of chariots ; the second was leaping ; the third was the game of quoits ; the fourth was wrestling, in which two wrestlers naked, and their bodies all anointed with oil, laid hold upon one another, and endeavoured to throw each other upon the ground by tripping up one another's heels. The fifth was a sort of boxing match, in which they armed their hands with great straps of a raw ox-hide, with bosses of lead, with which they struck each

\* Annals, b. xvi., c. 4, 5.

other so hard that death very frequently resulted.\* On the day appointed for the games, the performers went in the morning to the Capitol, from whence they returned in good order and passed through the public places and principal streets of Rome, and from thence to the circus, where they took several turns. Before them went the chariots which carried the statues of the gods, and of the most illustrious Romans. After these came chariots containing Roman ladies, who were superbly dressed. Several other chariots followed.†

There were usually four companies of fighters, or four squadrons, distinguished by the colours of their clothes. The first was called the green; the second, the blue; the third, the red; and the fourth, the white. The Emperor Domitian added two colours, the gold and purple, to make two other squadrons.‡

The spectators were divided into parties for the combatants, some wagering for one squadron, and others for another. The names of the combatants were drawn by lot. The lists were opened at the sound of a trumpet. And when the last signal was given by hanging out a white flag, they entered the list.§

The circus was a large building of a round or oval form. One of the most perfect edifices of the kind yet remaining is the amphitheatre at Nismes. The Romans at first had no other circus for their races than the shore of the Tiber, with the bank on one side, and a palisade of swords standing upright on the other. Hence these sports were called *circenses*, the name being derived from the words *circum enses*, around the swords. The spectators, though very numerous, could see the sports very well, for they sat on benches one above another. At one time there were eight circuses in Rome.||

A combat with wild beasts was a frequent spectacle in the Roman amphitheatres. Sometimes they fought with men, sometimes with one another; and they were often made the executioners of the law upon condemned criminals. When the criminal conquered he was absolved. This mode of

\* "Dictionary of Greek and Roman Antiquities," art. "Circenses Ludi."

† *Ibid.*

‡ *Ibid.*

§ *Ibid.*

|| *Ibid.*, art. "Circus."

punishment was not resorted to under the republic ; it was of Asiatic origin. From the time of Tiberius it was adopted at Rome ; and it was common under his successors. It was so constantly inflicted on the Christians, that it seemed to be their peculiar fate. "If," says Tertullian, "the Tiber overflows its banks ; if there be a famine or plague ; if there be a cold, dry, or scorching season ; if any public calamity arrive, the universal cry of the populace is, '*Christiani ad leonem !*'—To the lion with all Christians !"\*

The largest Roman amphitheatre was that begun by Vespasian, and completed by Titus, now called the Coliseum, from the Colossus, or large statue of Nero which stood near it. It was of an oval form, and is said to have contained no fewer than 87,000 spectators. It still remains as a splendid ruin. In parts it is very perfect, and the general outline of the whole may be easily imagined, though in one part the exterior portion has been destroyed. The place where the gladiators fought was called Arena, because it was covered with sand or sawdust, to prevent the gladiators from slipping, and to absorb the blood. In the amphitheatres there were secret tubes, from which the spectators were besprinkled with perfumes issuing from certain figures. And in rain or excessive heat, there were coverings to draw over them. Near to the amphitheatre was a place called *spoliarium*, to which those who were killed or mortally wounded were dragged by a hook.†

Gladiators were first publicly exhibited at Rome by two brothers called *Bruti*, at the funeral of their father, A. U. 490, and for some time they were exhibited on such occasions only ; but afterwards also by the magistrates in order to entertain the people, chiefly at the Saturnalia and feasts of Minerva. Incredible numbers of men were destroyed in this manner. After the triumph of Trajan over the Dacians, spectacles were exhibited for 123 days, in which 11,000 animals of different kinds were killed, and 10,000 gladiators fought.

\* "Arts of Greece and Rome," pp. 80, 81.

† Adams's "Roman Antiquities," pp. 319, 320, 321.



Gladiators were at first composed of captives and slaves, or of condemned malefactors. But afterwards freeborn citizens, induced by hire or by inclination, fought on the arena, some even of noble birth; and what is more extraordinary, women of quality.\* Tacitus relates, that on one occasion several ladies of rank, as well as some of the senators, degraded themselves by entering the lists.†

I must now refer to other games in use among the ancients, of a more civilizing character. Homer tells us that the suitors of Penelope used to amuse themselves at the door of her house with the game of cockal, or with dice, which were thrown out of a horn box, formed like a tower, and occasionally with a sort of chess, played on a board. The men were of different colours, to distinguish the two contending parties. Each party had a king or emperor, which they never moved but upon urgent occasions, and had a certain number of men besides, which they called indifferently soldiers or thieves, corresponding of course with our pawns. This game was an imitation of war, and he was the conqueror who could take all his adversary's men. But the king could never be taken until all his men were fallen into his enemy's hands, and then he was looked upon as conquered,‡—or, as we should say, checkmated. The game of chess was of Asiatic invention, and Pliny describes a chess-board brought from Asia four feet long and three broad.§

The practice not only of cock-fighting, but of quail-fighting, was common all over Greece. At Athens it was a political institution, and the courage of these animals was held up as an example to the people. The cocks had garlick given them to stimulate their courage.||

Among the Romans, games constituted a part of religious worship. At first they were always consecrated to some

\* Adams's "Roman Antiquities," p. 317.

† "Annals," b. xv., c. 32.

‡ "Arts of Greece and Rome," p. 162, 161.

§ *Ibid.*, p. 339.

|| Becker's "Charicles," translated by Metcalfe, p. 64.



god. At the end of every 110 years games were celebrated for the safety of the empire during three days and three nights.\* But this refers of course to the public games, not to those used for private diversion. The historian Livy mentions that on one occasion, in the year of Rome 535, great games were vowed at a vast expense, and that it was decreed that sacrifice should be done to Jupiter with 300 oxen, and to other deities with white oxen and other victims.†

Dancing was practised from very early times, and was exercised as a sacred rite. It is said to be for this purpose as ancient as the use of altars, and to have been introduced among the Greeks from Egypt by Orpheus, and from Greece into Rome by Numa. But the Romans held dancing in great contempt.‡ Nevertheless among the antique fresco paintings found at Pompeii and Herculaneum, there is a representation of twelve dancing girls.

Cock-fighting was practised once every year with great pomp at Athens, in commemoration of the triumphs over the Persians.

The diversion of fishing was a very favourite one among the Romans, more especially as no table was considered to be well supplied unless fish formed one of the dishes. Every country house of any size had its fish-pond, and when the land was near the sea, a canal of salt water was brought to the pond.§

As generally appears to be the case whenever we are able to trace with tolerable accuracy the rise and progress of civilization among any people, the advancement of culture among the ancients, as well as among the moderns, has tended to produce luxury, and luxury in time has occasioned licentiousness. Nevertheless among the Egyptians, and the early nations of antiquity, I do not find any traces of this evil to a large extent. In Rome,

\* Adams's "Roman Antiquities," p. 311.

† "History of Rome," b. xxii., c. 10.

‡ "The Arts of Greece and Rome," vol. ii., p. 282. § *Ibid.*, 275.

however, it appears to have eventually attained a great height, to have infected those of all ranks and classes, and eventually to have occasioned the ruin and the downfall of that once famous and all-powerful nation. Luxury is indeed to be regarded, not as any proof of the attainment of civilization among a people, but as the most certain indication of its decay.\*

Tacitus gives an extraordinary account of the licentious condition of Rome during the reign of the Emperor Nero, but more particularly as regards the nocturnal revels in which that monarch and monster of profligacy used to indulge, and which, of course, afforded encouragement to others who were disposed to pursue the same course.

"In the consulship of Quintus Volusius and Publius Scipio, while tranquillity reigned abroad, abominable licentiousness was exhibited at Rome in the person of Nero, who, disguised in the habit of a slave, went roaming about the streets, the stews, and public inns, with a set of companions who seized upon wares exposed to sale, and assaulted all they met; while the objects of this violence so little respected him, that he himself received blows, and bore marks in his face. Afterwards, when it came to be understood that the Emperor was the offender, increased outrages were committed on men and ladies of distinction, and the name of Nero being once used to warrant licentiousness, some, with gangs of their own, practised the same excess with impunity; and the state of things during the night resembled that of a captured city. Julius Montanus, of senatorial rank, but hitherto exercising no magistracy, having casually encountered the prince in the dark, resolutely repulsed his assaults; and afterwards recognising him, implored his forgiveness; but the Emperor felt this as a reproach to him, and had him put to death. After this, however, Nero was less daring, and fortified himself with a party of soldiers and a numerous train of gladiators, who interfered not in the beginning of a

\* "Civilization considered as a Science" (Bohn's Library edition, p. 44.)

fray while it kept within bounds, and was, as it were, only a private affair ; but if such as were insulted resisted with any degree of vigour, they fell on. Theatrical disturbances also, and the contests between the partisans of players, he exasperated into a sort of battle, by impunity and rewards, and by looking on himself, sometimes concealed, but more frequently exposed to view ; till the people being torn with dissensions, and more serious commotions apprehended, the only remedy that could be devised was to banish the players from Italy, and again guard the theatre with troops."\*

We are subsequently informed, by the same distinguished writer, that " money was given by the Emperor to the innocent as well as the voluptuous, to be wasted alike in riot ; by the former from compulsion, by the latter from ostentation of vice. The consequence was that guilt and infamy increased ; nor was there anything which infused more debauchery into the public manners, which had long fallen from primitive purity, than this concentration of the dregs and offscourings of vice."†

The historian shortly afterwards proceeds to observe,— " how the usages of our country, which had long been gradually disappearing, were utterly obliterated by imported extravagances, so that at Rome might be seen, from all quarters, whatever was corrupting or corrupt ; and the Roman youth were degenerating from the virtue of their ancestors by the introduction of foreign tastes, by habituating them to gymnastics, to idleness and filthy amours ; and that under the sanction of the Prince and senate, who not only have granted a dispensation for vices, but now enforce them ; and the chief men of Rome are exposed to scenic pollutions under pretence of encouraging poetry and eloquence."‡

The love of show and finery afterwards became so excessive in Rome, that we are told that none who in that age had any pretensions to be considered people of fashion,

\* " Annals," b. xiii., c. 27.

† *Ibid.*, b. xiv., c. 15.

‡ *Ibid.* b. xiv., c. 20.



chose to appear on the Appian or Flaminian road, or to make an excursion to their villas, without a train of Numidians mounted on the horses of their country, to ride before their carriages, and give notice by a cloud of dust that a great man was on the road.\*

Thus we see in the history of this once mighty people how luxury tended to their enervation, and eventually occasioned their decline and their overthrow. The fault was not in the resort to amusement, but in the excess of it : not in the use, which is healthful and inspiring ; but in the abuse, which is injurious and demoralizing.

There is nothing, indeed, which is more clearly indicative of the character of a people, than the amusements of different kinds which they are wont to follow. On the other hand, there is nothing which more extensively influences that character, than the nature of those amusements, and the mode in which they are followed.† Curious and interesting, and not less improving it is to compare the amusements, and occupations, and mode of daily life of people so distant, with those of our own time. How little human nature has changed since those days, great as the changes which have been wrought in society, and in the world at large ! Widely different as were the aspects of everything around in that early period from what we now see ; yet the feelings, and disposition, and character of the people were, in all essential respects, precisely the same to what they are at present. Varying extensively as did the external aspect of these persons from anything which we in this day witness ; yet in passion, and affection, and taste, and intellect, they were in all points identical with ourselves. The wants which they felt, still stimulate us ; and the pains and disasters which befell them, are a part of our lot also. The mode by which their civilization was attained, although different from that by which we are affected, was no less efficient ; and their civiliza-

\* Note to Bohn's " Tacitus," vol. ii., p. 95.

† " Civilization considered as a Science " (Bohn's library edit., p. 202).



tion was in many respects as perfect as that of our own day. Our main advantage over them consists in the possession by us of a knowledge of the leading incidents in their career, from which we gain instruction how our own course is to be steered. Of all the branches of the history of ages and nations which have passed away, more especially for practical use, that which relates to their domestic every-day life, is by far the most important, as it is also beyond all comparison the most interesting. Their patriotism, their domestic virtues, and their achievements in arts, in arms, and in civilization generally, we should strive not merely to emulate, but to excel; while from their failings and vices, and their eventual fall, we should be no less careful to derive timely warning.

PART II.

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IN the effort which I have been making to effect a general survey of the domestic every-day life of the inhabitants of the ancient world—tracing at the same time the rise and progress of civilization from the earliest period—I have given some account of the appearance of the people of those times as regards the style of dress which they assumed ; and I have also described the habitations in which they lived, and the manner in which they were accustomed to take their meals. I next proceeded to afford information respecting the ordinary occupations which engaged them, and the various amusements which served to entertain them, and to pass away their leisure hours.

I now propose, in the present division of the subject, to describe as far as the information handed down to these times will enable me to do so, the different professional and commercial pursuits which were followed at this early period in the history of the world and of civilization ; and at the same time to relate what I have been able to ascertain respecting the various modes of travelling which were successively adopted.

In endeavouring to trace and illustrate the origin and progress of civilization from the earliest time through its successive courses, there are few subjects which may be more successfully resorted to for this purpose than the account of the rude devices which formed the germ and the foundation of commercial dealings and enterprise ; and the mode in

which this eventually very complicated system was gradually developed, and ultimately established and completed. Like the tender plant just shooting above the ground, its structure in its early stages appears simple ; but by degrees it puts forth its branches, until its ramifications extend in each direction, and the entire structure, at length so gigantic and widespread, excites alike our admiration and wonder. The growth of professional skill is no less worthy our attention than is that of commerce. And the history of the discovery and progress of locomotion by artificial means of different kinds, is alike interesting in itself, and illustrative of the rise of civilization.

In tracing the history of the origin, and the early progress of commercial enterprise, we find that in the first ages of the world, when the habits and pursuits of men were very simple, and their transactions correspondingly limited, the mere exchange of one article for another was adopted as their mode of carrying on commerce. He who wanted to obtain a sheep belonging to his neighbour, offered him in return a certain amount of corn or fruit which appeared in value equivalent to that of the animal. Occasionally a domestic article would be given instead of the corn or fruit, according to the wants of the seller, or the possessions of the buyer. When men learnt the use of metals, they very soon began to resort to them as the most convenient articles to offer in exchange for such things, whether cattle, or corn, or clothing, as they desired to purchase of their neighbours. The metal which was at first used for this purpose, was in rude lumps, and its weight determined its value. An account of an early purchase of land, for which metal was given as an equivalent, and was weighed to ascertain its value, is recorded in the Book of Genesis, where we read of Abraham purchasing of Ephron the field of Ephron and cave of Machpelah for "400 shekels of silver, current money with the merchant." \* By and by the rude lump of metal used for the purpose of exchange, was melted into

\* Gen. xxiii. 16.

some shape, and the weight of it was fixed. The earliest money consisted of pieces of metal in the form of cattle, whence the Latin name for money, *pecunia*, is derived from the Latin name for cattle, *pecus*. At first these pieces of metal were very cumbrous, and very awkward to carry about, so it was thought desirable to separate each lump into several pieces; and ere long, instead of making them all of the shape of cattle, they were made round or square, with the figure of cattle upon them. In course of time, other figures besides those of cattle were engraved on them. And as some metals were accounted more valuable than others, those which were the most highly esteemed, served for pieces of small money to represent larger pieces made of inferior metal. As the world and civilization further advanced, gold, silver, and copper, or brass, were fixed upon as the most suitable metals out of which money could be made, representing as they do distinctly, the relative value of different metals; while the form of coins now in use, was considered that which is most convenient. At different periods, however, and among different people, various shapes have been selected for money. Some have made it in the form of rings. Coinage of this sort was in use among the ancient Britons, and was probably imported into this country by the Romans. By the people of some nations, shells instead of pieces of coin have been resorted to for money. Whatever is of fixed ascertained value, in relation to which the value of all other commodities may be referred, serves very well, and perhaps equally so, for the purpose of money. But metal is of course the most durable, and the most convenient to carry about. In the present highly civilized age, much of the money consists of pieces of paper, containing a promise from somebody to pay to whoever is the holder of them a certain specified amount of money in metal. These pieces of paper, therefore, represent the value of metal money, just as metal money does that of all other articles.

The money of the early Egyptians was in rings of silver and gold, and its value was ascertained by weight, and its



purity by fire. Gold was brought to Egypt from the different tributary countries of Ethiopia and Asia, besides what they drew from their own mines.\*

In the Bible we have an account of the sale of Joseph by his brethren, to a company of Ishmaelites, who were going to Egypt on a trafficking expedition; and we are informed that the price which they paid for him was twenty pieces of silver.†

The Greeks are supposed to have derived their first knowledge of coined money from the Asiatics, with whom they came in contact in Asia Minor. The only money used by the Lacedemonians, consisted of round pieces or ingots of red iron, which had been quenched in vinegar. Different writers, however, disagree considerably as regards the invention and ancient use of money, more especially with respect to its antiquity. Homer informs us that the Greeks bought the wine which was brought to them in ships from Lemnos, by giving in exchange for it, copper, iron, skins of beasts, cattle, and sometimes slaves.‡ In another passage the poet relates that Glaucus exchanged his armour of gold, which was reckoned to be worth a hundred oxen, for that of Diomedes, which was only of brass.§ But Pollux infers that by these oxen were meant, not any living animals, but pieces of money, on which was stamped the figure of an ox,|| and which would doubtless be far more convenient to carry about, especially on board ship, than the oxen themselves. At this day we speak of pigs of iron, although the pieces so designated are not shaped so as to have any resemblance to that very serviceable animal, much less are they intended to be used as coin of the realm. It may be inferred that the term is one of modern invention, and that it has no reference whatever to the pecuniary use of iron in remote times. Some authors are of opinion that money made of metal has been in use

\* "Penny Cyclopædia," art. "Egypt."

† Gen. xxxvii. 28.

‡ "Iliad," lib. 7.

§ *Ibid.*, lib. 6.

|| *Ibid.*, lib. ix., c. 7.

from the very earliest period. This opinion is supported by a passage in Josephus,\* where he makes Cain the inventor of it, and says that he increased his riches by the money which he amassed from all parts. In the Bible† we are told that Abimelech made a present to Abraham of a thousand pieces of silver, by way of compensation or atonement for the injury which he had done to him by taking his wife Sarah. The sacred volume also informs us that the sons of Jacob carried pieces of silver with them into Egypt to buy corn during the famine, and that Joseph afterwards ordered the silver to be put back into their sacks.‡ The Bible, moreover, tells us that Tubal-cain, the son of Lamech and Zillah, was a worker in brass and iron.§ It is not, however, recorded that either of these metals was then used for money. All we know is, that pieces of gold and silver, and of other metals, have been used as money, from a very early period.

Herodotus tells us that the Lydians were the first who coined pieces of gold and silver. But there are some authors who attribute the first coining of money to Erichthonus, the fourth king of Athens; others ascribe it to Jonas, king of Thessaly. Plutarch, in his Life of Theseus, the tenth king of Athens, informs us that he caused pieces of silver to be coined of the value of two drachmas, having on one side an ox, in honour of the Marathonian bull, or the minotaurus; and on the other, Jupiter with an owl. He caused also another piece to be coined, which was stamped on one side with a Minerva, and on the other with two owls, to show that it was double the value. They were called *stateræ*, weighed four drams, being worth about two shillings and fourpence of our money.

The money of the Peloponnesians was stamped with a snail, which gave occasion to a proverb, "The snail surpasses

\* "Jewish Antiquities," b. x.

† Gen. xx. 16.

‡ *Ibid.*, xxvii., 42.

§ *Ibid.*, iv. 22.

wisdom and virtue ;" by which was meant, "all things are procured by money." Philip, the father of Alexander the Great, caused pieces of gold to be coined having upon them his own image and name.\*

Among the Romans, the king Servius Tullius, was the first who caused brass money to be coined ; before this Pliny informs us that they used brass in the lump of a pound weight. The first money, therefore, which the Romans used was made of brass, about the year of the building of Rome 180. It was stamped with a sheep, or, according to Varro, with an ox. Numa caused money to be made of leather ;† but this must have been rather allied to modern bank notes, or paper money, than to actual coinage. It continued in use about 200 years.

Aurelius Victor mentions a certain game among the Romans, of tossing up a piece of money which had on one side a figure of Saturn, and on the other a ship, when they called out, "*Navi au dii*," meaning, "which will you have, a god or a ship?" Yet the pieces of copper money, which were made in a mass of a pound weight, were not used for a long time ; for the first pay that the Roman legions received was in this coin, and fines were paid in this kind of money. In the year of the city 485, and five years before the first Punic war, certain silver pieces were coined which were called *denarii*, because they were of the value of ten *asses*. Copper was always in a mass of a pound weight. Servius Tullius, however, coined pieces of less value, which he called *trientes* and *quadrantes*, having the figure of a ship stamped upon them. He also coined some other kinds, which were variously denominated. Leather money is referred to by Martial. The silver coins were stamped on one side with a woman's head, which represented Rome ; and on the other with an X or a V, or some other letter to denominate the value of the piece. Upon some of them were stamped the figures of Castor and Pollux.‡

\* "Dict. Gr. and Rom. Ant.," art. "As."

† *Ibid.*

‡ *Ibid.*



During the later years of the commonwealth of Rome, the masters of the Mint caused the heads of such persons as were famous either in war or peace, with a representation of their great actions, to be stamped on pieces of money. Pieces of gold, called *nummi aurei*, were not used in commerce until the consulship of Claudius Nero and Livius Salvator, which was in the year of Rome, 546; and two years afterwards pieces of silver began to be current.\* The *denarius*, or Roman penny, was worth about sevenpence halfpenny of English money.†

We must next inquire into the mode in which, among the ancients, the measure of different articles, whether as regards their size or weight, was ascertained, as their relation to money served to establish a standard as regards their value. In the earliest days of society and of civilization, as soon as people began to traffic with one another, how simple and how limited soever that traffic might be, it would be found necessary to have some fixed standard to which to refer, for the purpose of ascertaining the quantity of any particular goods or articles that were the subject of commercial duty. The size and the weight were the two qualities which most obviously afforded a test of their relative magnitude or quantity. In the case of a simple exchange of articles of the same kind, they might, of course, be weighted against each other. But as it would not often happen that a person who had a particular article, would wish to exchange it for another of precisely the same quality, by which nothing would be gained, and he might as well keep what he had got, it became necessary to devise some means of ascertaining the size and weight of an article when something quite different from the article parted with was to be taken in exchange for it, such as a bag of corn for a sheep, a quantity of fruit for a bow and arrows. In regard to size, several objects in nature offered themselves as affording a fair and easy standard measurement; and reference might at once be made to the human

\* "Dict. Gr. and Rom. Ant.," art. "As."

† *Ibid.*, art. "Denarius."



body for this purpose, the members of which among different people differ but little from the average size. Thus the length of the human foot was adopted as a standard measurement for this purpose; and for articles of minute dimensions the length of the barleycorn was in the same way referred to; both which measurements are still retained in use, and have ever formed the fundamental measurements from which all others, by the multiplication of these, are derived. For instance, three barleycorns make one inch, and twelve inches a foot; and the largest measurement, that of a mile, is but a multiplication of the measurement called a foot. The length to which an arrow could be projected from a bow, or a "bowshot," and the length to which a stone could be hurled by the hand, or a "stone's throw," are occasionally referred to in Scripture as modes of fixing a standard measurement. So early as the time of Noah, cubits and feet had been adopted as measurements.

In Switzerland and some other parts of the Continent, distances from place to place are reckoned by "stundens," which means the space that a person will walk, at an average pace, in the course of an hour. In the good old times a day's journey was reckoned according to Herodotus, to be about twenty-three of our miles.\* What would Herodotus have thought of making a journey of 200 miles in five hours, as we see accomplished by our express trains?

In the same mode, when in the earliest days of society it was found necessary to have a certain standard to refer to as regards weight, some ordinary article which was generally accessible might be resorted to. Thus we still retain the "grain" as one of our weights, from which it may be inferred that grains of corn, the average weight of which varies but little, were originally used for testing the relative ponderosity of substances of small size. And as the foot of man formed a standard for measuring size or distance, so the weight of an ordinary man, or of a sheep, the average of which does

\* Sir H. Rawlinson's "Herodotus."

not much vary, might be adopted as the standard for that of large substances.

As regards, too, the measures for ascertaining the quantity of any liquid, shells of a certain kind, which differ but little as to their average size, or the husks of certain fruits, or the skins of animals, might be used for this purpose. And in time, vessels made of earthenware, in imitation of shells or other natural vessels, which were expressly adapted to contain a certain fixed quantity, might be substituted for the others.

With respect to the mode of measuring time, this was derived from, and has ever been regulated by the motions of the sun, the instruments for ascertaining which, and for regulating the periods of the day, have already been referred to.

The Romans, as well as other nations, derived their names of measure chiefly from the parts of the human body. Those were, *digitus*, a digit, or finger's breadth; *pollex*, a thumb's breadth, or an inch; *palmus*, an hand's breadth, or palm, equal to four *digiti*, or three inches; *pes*, a foot, equal to twelve inches; *palmites*, a foot and an hand's breadth; *cubitus vel ulna*, a cubit, from the tip of the elbow, bent inwards, to the extremity of the middle finger, equal to one foot and a half, the fourth part of a well-proportioned man's stature. There was another measure called *passus*, or a pace, equal to five feet, including a double step, or the space from the place where the foot is taken up to that where it is set down, being double the distance of an ordinary pace. A pole, ten feet long, was called *pertica*, a perch. Each foot was divided into four *palmi*, or handbreadths, twelve *pollices*, or thumb breadths, and sixteen *digiti*, or fingerbreadths. Each *digitus* was supposed equal to four barley-corns, although we at the present day make one inch only three barley-corns.\*

A cubit was equal to a foot and an half; *passus*, a pace, was reckoned equal to five feet; 125 *passus*, or 625 feet, made a

\* Adams's "Roman Antiquities," p. 466.

stadium, or furlong; and eight stadia, or 1,000 paces, or 5,000 feet, a mile,\* *milliarium*, so called as containing 1,000 paces.

The Roman acre contained 240 feet in length, and 120 in breadth; that is, 28,800 square feet.†

Several Greek words are supposed to allude to the original custom of exchanging commodities. The Greek weights mentioned by Roman authors are chiefly the talent, divided into sixty *minæ*, and the mina into 100 *drachmæ*. The *mina* was nearly equal to the Roman *libra*, or pound, which was the principal Roman weight, and was divided into twelve parts or ounces.‡

The weights for ascertaining the exact ponderosity of particular articles were made of iron, and sometimes were so shaped as to resemble the object they were employed to measure. Among the articles discovered at Pompeii, there are two large iron weights, one of the figure of a very fat pig, which was used for measuring pork, and is supposed to have belonged to a pork-butcher; and the other for weighing bread, and it must have appertained to a baker's shop.

The measures for ascertaining the amount of liquids in use among the ancients, like the measures of space, were some of them derived from nature. Thus, what was called a *cyathus*, consisted of as much as a man could easily swallow at once; though one would think that the capacities of different persons in this respect vary somewhat widely. A *cyathus* contained four spoonfuls.§ But the measure of this kind most frequently mentioned by Roman authors are the *amphora*, which was nearly equal to nine English gallons, and the *sextarius*, equal to one pint and a half, English. *Calices*, or cups, were denominated *sextantes*, *quadrantes*, *trientes*, according as they contained six, four, or three *cyathi*. *Congius*, which was the eighth of an *amphora*, was equal to a cubic half foot, or to six *sextarii*. This measure of oil, or wine, used anciently to be distributed by the magistrates or leading men among the

\* Adams's "Roman Antiquities," p. 466.

† *Ibid.*

‡ *Ibid.*, p. 454.

§ *Ibid.*, p. 457.



people. The weight of rain water contained in an *amphora* was eighty Roman pounds, in a *congius* ten pounds, and in a *sextarius* one pound eight ounces. The largest measure for things liquid among the Romans was the *culeus*, containing twenty *amphoræ*.

Vessels of the class alluded to, which were used for containing certain measures of wine and oil were found at Pompeii, and were made of earthenware and much resemble some now in use among us. The chief measure among the Romans for things dry, was called *modius*, which was the third part of a cubic foot, and contained somewhat more than an English peck.\*

With respect to the different trades carried on by people in ancient times, both in Greece and in Italy, persons employed in special occupations lived in particular streets; and we hear of those of the trunkmakers and carvers, at Athens, and the *Vicus Thuscus*, at Rome, for woollen goods. At Pompeii, one street is called that of dried fruits, from the quantity of raisins, figs, plums, and other fruit found there. There are also shops variously dispersed, and distinguished by signs fixed in the wall, as a marble goat for one where milk was sold. In the house of a physician, as presumed from surgical instruments discovered there, and a small wall with two chambers behind, was excavated a statue of *Æsculapius*, with emblematical frescoes. A wine shop was denoted by the figures of two men carrying an *amphora* upon a pole, resting on their shoulders. These signs are fixed in the walls, and Plutarch adds to them decoy placards and showboards. †

At Pompeii, two of the shops appear to be those of a wine merchant and an oil merchant, from the vessels fixed in brickwork for holding wine and oil. The shops, as in our day, open very conveniently upon the street. Several other vessels were found standing about inside, and in front of the shops.

\* Adams's "Roman Antiquities," p. 468.

† "Arts of Greeks and Romans," vol. i., pp. 267, 268.



At Herculaneum, a loaf was found in a baker's shop with his name stamped upon it. At Pompeii, scales, money, and moulds for pastry, in bronze, of very elegant pattern, were discovered. On the counter of an apothecary were a box of pills, converted into a fine earthy substance, and near them a small cylindrical roll, which was evidently intended to be cut into pills, together with a jar containing some herbs of the kind used in medicine. In a fruiterer's shop were vessels full of almonds, chestnuts, walnuts, and the fruit of the carubièrè, the carob tree of the Levant, the pods of which were the husks given to swine, with which the prodigal son was driven to satisfy his hunger. In the shops of the "street of fruits" at Pompeii, besides raisins, figs, and plums, and various fruits, moist olives and caviare, pickles preserved in glass cases, some of them square, have also been found.\*

Among the shops or houses of trade which have been discovered at Pompeii, is an inn, checkers being placed at the side of the doorway, and rings for tying horses having been found, as well as the bodies of cars, the bones of horses in the stables, and earthen vessels for wine in the cellar. The stables extend for a long distance up the street. Above them are white marble columns, and a staircase is seen which conducted to the apartments for strangers above. In the yard are three fountains.† Among the paintings discovered at Pompeii, is one which represents fullers engaged in the occupation of cleaning clothes. Three boys and a grown-up person are seen standing in tubs for the purpose of purifying, by treading upon them, the clothes placed in these vessels. A composition was resorted to in the place of soap, and an instrument very like a brush appears to have been in use. The clothes after being washed were vapoured with brimstone.‡

Inns were not deemed very reputable places among the ancients. Socrates used to boast that he had never even

\* "Arts of Greeks and Romans," vol. i., p. 268.

† *Ibid.*, p. 269.

‡ Becker's "Gallus," translated by Metcalfe, pp. 349, 350.

they derided those who would not play at ball, and idle away their time. Romans of rank used to send their bakers and cooks before them to take up lodgings at friends' houses, if there were any in the place, if not, at inns; and in case there were none, they applied to the magistrates to find them accommodation. Suetonius and Juvenal describe inns as places frequented by muleteers, travellers, cut-throats, runaway slaves, sailors, executioners, coffin-makers for the poor, and players on the tambourine, where all were on equal terms, without any distinction of cups or particular bed or table. The adulteration of wine, and the sale of it by false measures, were very common.\*

At Athens the Forum was a place where people met to buy and sell; it was therefore divided into several parts, occupied according to the wares exposed for sale, each trade having a different place assigned to make its market in. Hence, we read of one part where slaves and vessels were sold, and of another where women's clothes and ornaments were exposed; also of the wine market, and the oil market, in the Forum. The time during which articles were exposed for sale, was called full market, from the multitude of people that assembled at such times; and there seem to have been particular laws appointed for different wares.† The fish market appears to have been the most frequented. The commencement of the sale was announced by the ringing of a bell, which attracted numbers to the spot. The brutality and cheating of the fish-mongers are exposed by the comic writers, and several laws were in force to restrain their roguery.‡

The custom of drying fish is frequently represented in the sculptures of Upper and Lower Egypt. Fishing was a favourite amusement of the Egyptians, who sometimes speared the fish and sometimes caught them in drag-nets. Angling with a rod looked into a tavern; and Plutarch says of innkeepers that

\* "Arts of Greeks and Romans," vol. i., p. 269.

† Potter's "Grecian Antiquities," vol. i., p.p. 43, 44.

‡ Becker's "Charicles," translated by Metcalfe, p. 244.

and line was confined to the poorer classes, and to those who fished only for diversion.\*

Besides shops for commerce, the tradesmen had their public halls, where each company met and consulted about their affairs. Trades were very much encouraged at Athens, and were so far from being accounted a mean or ignoble way of living, that persons of the highest quality did not disdain to betake themselves to such employments, and especially to merchandise.†

Both the Greeks and Romans carried on trades by means of employing large numbers of slaves as journeymen. Thus we read of bankers, money-changers, or usurers; of barbers, some of them females; and barber-surgeons, whose shops were lounging places for news. Also of basket-makers, makers of leathern bottles, and blacksmiths, who appear to have worked half naked, and had a peculiar cap; of braziers and butchers; of capon-cutters, carpenters, cooks, men sometimes hired by the day at great prices,—coppersmiths, cotton manufacturers, couriers, both on foot and on horseback, enamellers, factors, farmers, felt-makers, fishermen, and fishmongers; of flax drapers, founders, fresco-painters, fullers, gilders, glass manufacturers, globe-makers,—the globes being made of glass—glue-makers, goldsmiths, and gardeners; grooms, who before the invention of stirrups used to assist their masters in mounting upon horseback, horse-breakers, and haircloth manufacturers.‡

Pollux mentions writers and venders of books, and the gluttilation of them, as they were rolls. He alludes to booksellers' shops among the parts of seaport towns. Martial describing a bookseller's shop opposite the Forum Julii, says that all the pillars or posts were inscribed with vendible books; and the best books were kept in the upper *nidus*, or pigeon-hole, the inferior in those below. There, he says, you may buy Martial,

\* Note to Sir H. Rawlinson's "Herodotus," book ii., c. 77.

† Potter's "Grecian Antiquities," vol. i., pp. 43, 44.

‡ "Arts of Greeks and Romans," vol. i., pp. 202, 203.



polished with pumice-stone and ornamented with purple, for 5 *denarii*.\*

Indeed, the method resorted to by the ancients for binding their books, was not at all like ours. Books of a square form were hardly ever in use, either among the Greeks or Romans, for a very long period. King Attalus, seeing that the art of making good parchment was practised so that it was fit to be written upon on both sides, made some of his books square. But the ancient mode, which was to roll their books in such a manner as to give them the form of a column, prevailed so long, that all their libraries, in the time of Cicero, and long after, were composed of these rolls. The dearness of parchment, and the cheapness of the paper of which they made their rolled books, was the reason that there were hardly any others to be seen. As regards the binding, the way was to paste or glue several leaves of paper at full length to the ends of one another, in proportion to the size of each book. When one side was filled up, the work was at an end, for they did not write on both sides. They rolled all together, beginning with the last, which they called *umbilicus*, to which they fixed a piece of wood, or ebony, to make the rolls tight; and to the other end they glued a piece of parchment, which covered the whole volume, and was of use, not only to save the paper, but also as an ornament to the book, because it was painted of a purple or crimson colour. The title of the book was written in gold characters on the outside of the parchment, but the epistle dedicatory they wrote on the inside. When the roll was made, they cut it at both ends; and upon every leaf, which was well polished with pumice stone, they laid pieces of gold, silver, or ivory, which they fastened to the stick placed in the *umbilicus*.†

The word paper is derived from the Egyptian papyrus, a reed now growing there and called *berd*.‡ Parchment is so called because it came from *Pergamus*. The use of parch-

\* "Arts of Greeks and Romans," vol. i., p. 334.

† "Dictionary of Greek and Roman Antiquities," art. "Liber."

‡ "Arts of Greeks and Romans," vol. ii., p. 270.



ment was known long before the time of Herodotus. Before the preparation of the skins of animals, papyrus or tablets smeared with wax, were availed of. When skins came into use, they were rolled up before they could be sealed, whence the word volume, or *volumen*, from *volvere*, to roll.\*

Both the market-places and the shops appear to have been abundantly resorted to in these old times, as much, if not more so, for hearing the news, and for gossip, as for the direct purpose of purchasing needful commodities. Among the Athenians especially, an insatiable appetite for news, consequent on the activity of their minds and the idleness of their lives, occasioned lounging assemblies. Now and then, however, a select few, whose conversation was instructive, assembled at the different porticoes in the town. The conversations at the barbers' shops, which may not uncharitably be supposed to have been of a less elevated or imposing character, gave birth to the proverb used by Polybius of "barbers' talk." Those most frequented in the days of Hesiod and Homer, were the shops of smiths and other persons, which were without doors, and always had a fire burning. Such shops were open, like those at Pompeii, and of our butchers, fishmongers, and poulterers.†

Xenophon tells us that when Socrates had any business to transact, he usually sat in a bridle-maker's shop near the Forum, where he went, accompanied by some of his hearers. This he seems to have used as the place for meeting his friends, and for waiting for them if they went away to do any business for him.‡

Having examined the manner in which, in the early days of the world, different commercial transactions were carried on, we have next to inquire into the origin of the various professions in which men engaged, and the mode in which these were conducted.

\* "Dictionary of Greek and Roman Antiquities," art. "Liber," p. 274.

† "Arts of Greeks and Romans," vol. i., p. 164.

‡ Xenophon's "Memorabilia." B. iv., c. ii., s. 1. and note.

In the earliest times of civilization, it may be inferred that each person acted for himself as far as he could in the conduct of his affairs. If a dispute about any article of property arose, he argued his own case with his neighbour. If he became unwell, he resorted to his own judgment or experience to point out to him what simple remedies near at hand were most likely to prove efficacious. And his own skill, or the observation of the manner in which his neighbours contrived matters, directed him in the construction or alteration of his habitation. In the course of time, and as civilization advanced, according as the intercourse of men, and of bodies of men, one with another was extended, it was observed that particular persons evinced more skill in certain matters than did others; on which account they were frequently resorted to, and consulted by those of their neighbours who were inferior to them as regarded these peculiar concerns. In return for the advice or assistance so rendered, they were called upon to give their advice and assistance upon other matters, when the party assisted was less skilful than he by whom the good offices were rendered. Sometimes it was found more convenient to make a present of some article, instead of returning service for the accommodation afforded. As civilization further advanced, and the use of money was invented and resorted to, payment in money became the usual mode of requiting any service that had been rendered.

Experience, moreover, very soon taught men that some were by nature more adapted for one pursuit, and others for another; and that in order to obtain any great skill in any one particular calling, it was necessary to devote much time and trouble to it, even to the neglect of other pursuits of equal importance. Hence men would be led to adopt some special avocations to the exclusion of others; and to endeavour to obtain such skill in them that they could advise and assist other persons in these matters, who would be sure to resort to them when it became known that they were well able to help them. The practice of paying for this advice and assistance,

made it worth while taking some pains to be able to render it ; while, on the other hand, the custom of certain persons devoting themselves to certain pursuits to the neglect of others, occasioned the necessity of each calling in the aid of others to advise him on those matters which he had thus been obliged to neglect. Hence the origin of different professions being followed exclusively by particular persons. The division of these several occupations into separate callings would naturally be suggested by the exigencies which arose in society. All men stood in need of skilful persons occasionally to advise them as to their bodily ailments ; whence originated the profession of physic. When disputes arose about property, it was found expedient, instead of trusting to one's own judgment or experience, to resort to persons whose education or turn of mind peculiarly qualified them to act in these troublesome matters ; whence originated the profession of the law. The profession of architect in like manner had its rise from the peculiar skill in erecting buildings displayed by some persons above others, and the obvious desirableness of consulting them, and obtaining their assistance ; instead of the person who wished to build, trusting to his own slender knowledge or skill.

Even on matters of religion, it was soon found that it was very desirable both to consult and to be directed by those who had paid the deepest attention to the subject, and whose ardour in this respect led them to neglect other pursuits ; in addition to which it was deemed essential to have certain persons specially appointed to minister in the temples erected for public worship, which would preclude them, from want of time, from engaging in the ordinary occupations of life. Hence the origin of the priesthood, so far as this may be treated, or supposed to exist, independently of its divine appointment and constitution.

Numerous other professions besides these arose out of the exigencies created by the progress of civilization, certain of which were established to minister to the wants, others to the business of mankind ; the nature of some of which I shall be



led to consider as we proceed in the survey of the subject before us.

It may be inferred that one of the earliest professions for the establishment of which the exigencies of society would call, is that of physician; and yet many early nations appear to have been without any, and no reference to such a profession is made in those chapters of the Bible giving an account of the primitive ages of the world. Herodotus also informs us that among the Babylonians they had no physicians; but he gives the following singular account of the mode in which during those early times before distinct professions were established or invented, each person for himself prescribed the remedies which he deemed expedient in case of sickness, according to his own experience. He says, "They bring out their sick to the market place, for they have no physicians; then those who pass by the sick person confer with him about the disease, to discover whether they have themselves been afflicted with the same disease as the sick person, or have seen others so afflicted. Thus the passers by confer with him, and advise him to have recourse to the same treatment as that by which they escaped a similar disease, or as they have known to cure others. And they are not allowed to pass by a sick person in silence without inquiring into the nature of his distemper."\*

One might entertain considerable fear that the numerous interrogations, and the contradictory and constantly recurring advice of different kinds addressed to the sick person, would contribute but little to aid him in deciding on the best course for his recovery; still less to the quiet and repose of the patient. Among the Egyptians, however, were men well skilled in the practice of medicine, and who understood the virtue of different herbs and minerals, as well as how to treat wounds, and among the relics preserved in the museum at Berlin, one of the most interesting is an ancient Egyptian medicine chest. It contains several jars closely sealed.

\* "Clio," i., 197.



Among the ancient Greeks, it has been supposed that there were two classes of physicians, some freemen, and others slaves; and that the better sort were appointed by the people at their assemblies, receiving salaries from the public treasury. Xenophon makes Socrates refer to "a person who desired to obtain a medical appointment from the Government," and into whose mouth he put a speech professing his ignorance of the art, but promising to endeavour to learn it by making experiments on his patients\*—a mode of acquiring skill which we hope has been abandoned by the faculty of our day. We are told that the science of healing, and the position of the doctors, were on a much higher footing in Greece than at Rome. A permission to practise was required from the State; and although no public examination took place, the aspirant to the profession had to show that he had been the pupil of a medical man. Doctors had a fee from the patient whether he recovered or not; but occasionally they took the precaution of having it paid in advance, giving as a reason that they had to provide the remedies at their own expense. The regular doctor made up his own medicines, mixing in them something sweet to disguise the taste. It was a rule of Hippocrates that a physician should preserve a very becoming exterior, so as to produce a pleasing impression on the patient. His hair and beard were to be carefully trimmed, and his dress was to be elegant.† There appears to be considerable doubt as to when physicians were first introduced at Rome. Pliny says the Romans had none for 600 years. But Dionysius, of Halicarnassus, informs us that in the year of Rome 301, a plague broke out, sweeping away almost all the slaves, and half the citizens, there being not physicians enough to attend so many sick persons. On another occasion, when the plague was at Rome they sent deputies into Greece to fetch Esculapius to cure it. Cassius Hemina, an old author, however, asserts that the first physician who came from Peloponnesus to Rome was Archagatus, in the

\* "Memorabilia," B. IV., c. ii., S. 5.

† Becker's "Charicles," translated by Metcalfe, pp. 281-384.

year 535 ; that he was made a citizen, and got a shop in the cross-street of Acilius. It is recorded that he obtained the title of healer of wounds, and that he was at first made much of ; but that soon after, what were considered and called his cruel operations, in cutting off and burning some parts of the patient's body, procured him the nickname of hangman, and made the people out of conceit both with physic and physicians. Marcus Cato, the censor, wrote thus to his son on this perplexing subject, "I'll tell thee now, my dear son. Mark what my thoughts are of the Greeks, and what I desire you to learn during your stay at Athens. Take care to inform yourself of their customs, but learn them not. They are a wicked and indocible people, which I cannot endure. Believe it, as if it came from a prophet, that when this nation communicates her services to others, she corrupts the whole, and especially if she should send her physicians hither to us. They are bound to one another by oath to kill all barbarians with their physic. They call us barbarians, nay, they give us more opprobrious names. I forbid you, therefore, above all things, to have to do with the physicians."\*

One famous physician, named Creterus, who had a patient afflicted with an extraordinary distemper, which caused his flesh to fall away from his bones, cured him by feeding him with vipers dressed like fish. In the tenth century after the building of Rome, Galen, a native of Pergamus, was in request at Rome, he being physician to the Emperors Marcus Aurelius and Lucius Verus. In the eleventh century there were several famous physicians at Rome, and during the twelfth they appear to have been very abundant in that city.†

Pliny the elder gives but a very indifferent character to the physicians of his time as regards their probity. They were accused of poisoning their patients, entering into all sorts of intrigues respecting their wills, and of being guilty of gross immorality besides.‡ Tacitus informs us that the Emperor

\* "Dictionary of Greek and Roman Antiquities," art. "Medicus."

† *Ibid.*

‡ Note to Bohn's "Tacitus," vol. i., p. 156.

Tiberius "was wont to ridicule the physician's art, and those who, after the age of thirty, needed to be informed by any one else what benefited or injured their constitutions."\*

The profession of lawyer does not appear to have been so distinctly recognised in early times as that of physician. Abraham seems to have settled very amicably the purchase of the cave of Machpelah without having his attorney at his elbow ; and some may perhaps even think that the absence of such an assistant may in a great measure account for the facility and speed with which the whole transaction was concluded. Among the ancient Egyptians, the lawyers do not stand out in very bold relief ; and the Greeks appear to have got on much better than we could suppose possible without a separate order of men who devoted themselves to the interests of their clients, and the protection of their property and their persons.

The origin of lawyers at Rome was derived from the institution of patronage. In order that the patricians and plebians might be connected together by the strictest bonds, Romulus ordained that every plebeian should choose from the patricians any one that he pleased as his patron or protector, whose client he was called. It was the part of the patron to advise and to defend his client, and to assist him with his interest and substance. The client was obliged to pay all kinds of respect to his patron ; and instead of remunerating him by a pecuniary payment or fee, as is the custom with clients in our day, he was bound to serve him with his life and fortune in any extremity.†

One part of the duty of the patron was to explain the law to his clients, and to manage their lawsuits. Those patrons who professed to give advice to all promiscuously and gratuitously—which is still the case with advocates or barristers in our day, to whom the fee paid is a mere honorary gift, and not recoverable by law as a debt,—used to walk across the Forum and were applied to there, or at their own houses. Such as were

\* Annals, B. vi., c. 46.

† Adams's "Roman Antiquities," p. 28, 172.



celebrated for their knowledge of law, often had their doors beset with clients before day-break, for their gates were open to all, and the house of an eminent lawyer, was, as it were, the oracle of the whole city. Lawyers gave their opinions either by word or mouth, or in writing, and commonly, though not always, without any reason annexed ;—a safe course, no doubt, but not always satisfactory to the client. Cicero, however, complains that many excellent institutions had been perverted by the refinements of the lawyers.\* What would he say, could he spend a day in Westminster Hall at the present time !

Tacitus, in his Dialogue concerning Oratory, draws the following picture of a successful Roman lawyer :—

“ Think of the honourable crowd of clients conducting the orator from his house, and attending him on his return ; what a glorious appearance he makes in public ! What distinguished respect is paid to him in the courts of judicature ! With what exultation of heart he rises up before a full audience, hushed in solemn silence and fixed attention, pressing round the admired speaker, and receiving every passion he deems proper to raise ! Yet these are but the ordinary joys of eloquence, and visible to every common observer ! ”

Among the professions in ancient times, as in our day, was that of banker, the Greek term of which means a dog standing at a table,—I suppose to guard the money placed upon it. At the Chalcidicum of Pompeii, supposed to have served for an exchange where merchants assembled, are pedestals of white marble, upon which tables were placed ; and the fashion not only passed through the Middle Ages, but is still to be seen at the Bristol Exchange. These bankers were the money-changers of Scripture, who exchanged old coins for new, and conducted money business in various ways.†

Merchants appear to have existed in all countries, from the earliest period ; and as soon as civilization had sufficiently progressed for commerce to be established, their office was

\* Adams's " Roman Antiquities," pp. 172, 173.

† " Arts of Greeks and Romans," vol. i., pp. 333, 334.



called into existence; while their duties, and the mode of carrying them out, have been much the same in all ages.

Artists, both painters and sculptors, have been found in every country where civilization has made any considerable advancement; and their occupation in every age must necessarily be very much the same. Remains exist of ancient Egyptian, as well as of Grecian and Roman art. But one of the most curious relics which has been handed down of ancient art, is a paint-board used by the ancient Egyptians. It is formed out of an oblong block of wood; holes are cut for the different colours, and there is a receptacle for the brushes, to which long sticks are attached as in our day. This very interesting article is preserved, with several other things of the same class relating to that early period, in the Museum at Berlin. Portraits exist of ancient Egyptian kings, of a very remote period; in Greece, pictures were hung up in the temples.

Authorship appears to have been a distinct profession in ancient times. Among the Romans, an author, before publishing his book, was accustomed to read it, or at least certain portions of it, to his friends, that he might profit by their criticisms. The more celebrated authors read in the Capitol, or in the palace of the Emperor, not merely to friends, but to every one who chose, or who was permitted to be present. The houses of rich men who loved and patronized letters, were often chosen by the author; and the public baths were similarly honoured.\*

Before the invention of printing, copies of works could of course only be increased by great labour. Public rehearsals were therefore the road to fame most readily open to authors. In one of his letters Pliny affords us an account of the difficulties which an author in his day had to encounter. He writes, "This year has produced poets in great abundance. Scarce a day has passed in the month of April without the recital of a poem. But the greater part of the audience comes with reluctance; they loiter in the lobbies, and there enter into idle chat, occasionally desiring to know whether the poet is

\* "Arts of Greeks and Romans," vol. i., p. 279.

in his pulpit. Has he begun? Is his preface over? Has he almost finished? They condescended at last to enter the room; they looked round with an air of indifference, and soon retired, some by stealth, and others with open contempt." \* Pliny, states that the Emperor Claudius one day hearing a noise in his palace, inquired what was the cause; and being told that a certain author was reciting in public, immediately went to the place, and became one of the audience.

The material on which books were written during the times of the Romans, was the fine bark of the Egyptian papyrus, of which there were many manufactories at Rome. Several rolls of this paper have been discovered at Herculaneum. Parchment was afterwards used, as also leather. Ink was prepared from lamp-black; and for pens reeds were used, of one of which there is a representation in a fresco painting discovered at Herculaneum. The pen is here depicted as lying across an inkstand. Petrifications of pens have also been discovered. The writing was generally divided into columns, and lines, probably red, were ruled between them. The back of the book was usually dyed with cedrus or saffron. † Among the paintings discovered at Pompeii, I have seen several representations of writing implements, and also of books.

An ancient library, containing several rolls, was also discovered at Herculaneum. Around the walls of this room were cupboards, not much above the height of a man, in which the rolls were kept. A row of cupboards stood in the centre of the room, dividing it into two parts, so that passages for walking only remained at the sides. ‡

As regards maps, the earliest work of this description known to the Greeks, is said to have been constructed by Anaximander, who lived about B.C. 600—530. Hecataeus greatly improved upon it. Herodotus speaks of maps as common in his day. §

Thread or tape was used for fastening letters or tablets, and

\* "Liber" 1, Epistle 13.

† Becker's "Gallus," translated by Metcalfe, pp. 238, 244.

‡ *Ibid.*, pp. 234, 235.

§ Note to Rawlinson's "Herodotus," chap. 2.

was sealed. This manner of securing them from strangers, was common among the Greeks. There were no other means of opening letters than by removing the seal and cutting the tape.\* When a book was sent any where, the roll was tied with a thread, and wax was put on the knot, and sealed. The roll was usually wrapped round with coarser paper, or parchment; and the inscription on the back showed to whom the letter or book was sent.†

I will now refer to the modes of travelling among the ancients and trace the origin and invention of the different contrivances for that purpose.

Probably the simplest and the most primitive mode of artificial travelling, is that of the mother carrying her infant from place to place, whether in her arms or on her back. After this there is the practice of one man carrying another, who from sickness, fatigue, or laziness, is unable or unwilling to walk. From the inconvenience of carrying one another, we may infer that without attaining to any very high degree of civilization, mankind would be induced to impose this task upon animals instead of others of their own species, and to select those animals whose combined strength and docility pointed them out as most fit for this purpose. The donkey, or ass, has, accordingly, from the earliest period of which we have any account, been made use of both to carry man, and to transport his burdens from one place to another, instead of his carrying them himself. Asses are the only beasts of burden spoken of in the early part of the Old Testament, where we read of their use by Joseph's brethren when they went down to Egypt. The horse would probably be next resorted to, to carry both men and goods; and in course of time camels and elephants were enlisted in the same service.

The earliest, because the swiftest carriage, would probably be the sledge, which consists of nothing more than a flat piece of wood that might be drawn along by either man or

\* "Arts of Greeks and Romans," vol. ii., p. 208.

† "Adams's Roman Antiquities," p. 475.



beast. Rollers placed underneath it might suggest the invention of wheels ; and in course of time, by attaching sides to the sledge, a waggon would be contrived. Of this rude form were probably the waggons which Joseph sent to bring down his father to Egypt. The accommodation of seats would soon be added, and in time a regular carriage would be invented and constructed. Thus much for the origin of land travelling.

The use of litters is supposed to have been introduced early from Asia into Greece. The women alone appear to have used them, except in the case of sick persons.\*

As regards travelling by water, the earliest and most natural mode of effecting it would be by swimming, to which, if man did not of his own accord resort, he might be prompted by seeing animals use this method. A floating trunk of a tree, to which he might cling, would suggest the use of a raft ; and the raft, when it had been found useful for the transmission both of the man and his goods across the water, would speedily, by his invention, be improved into a canoe, from the additions and enlargement of which in their turn ships would be contrived. The use that fishes make of their fins might suggest the invention of oars ; and the effect produced by the wind blowing against the clothes of the man or woman standing in the boat, would lead him to resort to the contrivance of sails, which were originally made of skins, the same as those used for clothing. The earliest ship was, of course, the vessel built by Noah.

Herodotus presents the following account of the vessels of Armenia which were used to carry men and merchandise from thence to Babylon. "The most wonderful thing of all here, next to the city itself, is what I now proceed to describe:—Their vessels that sail down the river to Babylon are circular, and made of leather. For when they have cut the ribs out of willows that grow in Armenia above Babylon, they cover them with hides extended on the outside, by way of a bottom ; neither making any distinction on the stern, nor contracting the

\* Becker's "Charicles," translated by Metcalfe, p. 105.



prow, but making them circular like a buckler; then, having lined this vessel throughout with reeds, they suffer it to be carried down by the river freighted with merchandise; but they chiefly take down casks of palm wine. The vessel is steered by two spars, and two men standing upright, one of whom draws his spar in, and the other thrusts his out. Some of these vessels are made very large, and others of a smaller size; but the largest of them carry a cargo of five thousand talents.”\*

Sir Henry Rawlinson remarks on this passage, in a note to his edition of Herodotus,† that boats of this kind, closely resembling coracles, are represented in the Nineveh sculptures, and still ply on the Euphrates. Mr. Layard adds that these boats are sometimes covered with skins, over which bitumen is smeared.‡

The following singular custom is mentioned by Herodotus in connexion with these boats. “Every vessel has a live ass on board, and the larger ones more, for after they arrive at Babylon, and have disposed of their freight, they sell the ribs of their boat and all the reeds by public auction; then, having piled the skins on the asses, they return by land to Armenia, for it is not possible by any means to sail up the river by reason of the rapidity of the current: and for this reason they make their vessels of skins and not of wood, and at their return to Armenia with their asses, they construct other vessels in the same manner.”§

The form of the common cockle and oyster shell may have suggested that of these early boats. In course of time, however, they contrived to make them larger and of an oblong shape, when the form of the fish seems to have been adopted as best fitted for floating through the element on which they were intended to move.

Herodotus remarks with regard to the Egyptian ships, that those “which carry merchandise are made of the acacia,

\* *Clio*. I., 194.

† *Ibid.*

‡ Book I., c. 194.

§ Nineveh, b. 2, c. 5.

which in shape is very like the Cyrenean lotus, and its exudation is gum. From this acacia they cut planks about two cubits in length, and join them together like bricks, binding their ships in the following manner:—They fasten the plank of two cubits' length round stout and long ties; when they have thus built the hulls, they lay benches across them. They make no use of ribs, but caulk the seams inside with byblus. They make only one rudder, and that is driven through the keel. They use a mast of acacia, and sails of byblus." \*

Representations of ancient Egyptian boats—probably of the time of Herodotus—are to be seen in some coverings of mummies in the British Museum. These boats appear like the barges of the present day. The use of animal power to draw the vessels where sails would not serve to propel them, or where it was desired to go against the current, appears to have been thus early resorted to.

The first ships were built without art or contrivance, and had neither strength nor durableness, beauty nor ornament, but consisted of planks laid together, and were just so compacted as to keep out the water. In some places they were simply hulks of trees made hollow. We are told that at first, all ships, for whatever use designed, were of the same form, but that the various ends of navigation—some of which were best answered by one form, some by another—soon gave occasion to fit out ships, not in bigness only but in the manner of their construction and equipment, differing from one another. Ships of war among the Greeks, were distinguished from other kinds by various engines and accessions of building, some to defend their own soldiers, others to annoy enemies. In later ages they had several banks or rows of oars, according to the size of the vessel, by which it was propelled instead of by sails. Some had three, others four or five banks of oars. The ship *Argo*, contrived by Jason, had fifty oars. He is supposed, however, to have copied the Egyptian plan of shipbuilding. In later times the banks of oars were gradually increased to ten, twelve, and sixteen. Demetrius, the son of Antigonus, built a

\* Euterpe, II., 96.

ship of thirty banks ; and we are told that Ptolemy Philopater, in a vain-glorious humour of outdoing all the world besides, farther enlarged the number to forty, which raised the ship to that prodigious bigness that it appeared at a distance like a floating mountain or island, and upon a nearer view seemed like a huge castle upon the floods. It contained four thousand rowers, four hundred marines employed in other services, and nearly three thousand soldiers. But we are also informed that its enormous bulk rendered it unwieldy and unfit for use.\*

The most ancient anchors † were of stone, and sometimes of wood, to which a great quantity of lead was usually fixed. In some places baskets full of stones, and sacks filled with sand were employed for the same purpose. They were let down by cords into the sea, and by their weight stayed the course of the ship. Afterwards anchors were composed of iron, and supplied with teeth, which being fastened to the bottom of the sea, preserved the ship immovable. Sails were originally made of hemp, rushes, broom, and leather, but from the time of Homer of linen.‡ The sails of some vessels were made of skins with the hair on.§

Ancient navigation was limited to coasting. When out of sight of land mariners could only steer by the planets, until, long after this period, the invention of the compass enabled them to direct their course aright though the planets were obscured, and to sail with safety out of sight of land.

The Romans are said to have been the first who ventured to make long sea voyages ; and yet it is confidently asserted that the coast of Cornwall was in very early times visited by the Phœnicians, for the sake of the mines in that part of our island.

Tacitus, speaking of the Roman vessels employed against the Germans, remarks that " some were short, with narrow stern

\* Potter's " Grecian Antiquities," vol. ii., pp. 122, 124-126.

† *Ibid.*, p. 133.

‡ " Arts of Greeks and Romans," vol. i., p. 213.

§ Note to Long's " Cæsar," p. 159.



and prow, and broad in the middle, the easier to endure the shock of the waves; some had flat bottoms, that without damage they might run aground; several had helms at each end, that by suddenly turning the oars they might work either way; many were furnished with decks, upon which the engines of war might be conveyed, and were fitted for carrying horses or provisions, convenient for sails and swift with oars.\*

As regards the different modes of travelling by land, I have already alluded to the early use of horses and asses for this purpose, and also to the waggons and other carriages which were originally invented. Among the ancient Egyptian paintings, are representations of chariots of different kinds. It has been supposed that four-horse chariots were first used in Egypt, and passed thence into Greece.

Various kinds of chariots were used by the ancients. Those used by the Greeks and Romans were of great elegance, some of them not unlike those which we have now. Occasionally persons were carried in a chair or sedan in which they sat, or on a couch or litter, on which they lay extended, sometimes open, sometimes covered with curtains of skin or cloth, which were occasionally drawn aside; sometimes with a window of glass or transparent stone. There was also a kind of close litter, which was carried by two mules or small horses.† They had, moreover, a carriage without wheels, being a sort of sledge, which was also used in beating out the corn; and a carriage with one wheel probably corresponding to our wheelbarrow, which was drawn by slaves. Sometimes two, sometimes four, and occasionally six horses were affixed to a chariot, all being yoked abreast. Nero, on one occasion, drove a chariot at the Olympic games, drawn by ten horses. There was one carriage called *Pilentum*, in which ladies were carried to games and sacred rites, being an easy soft vehicle with four wheels, painted with various colours. The carriage which matrons used in common was called *Carpentum*, and had commonly two wheels and an arched covering. A carriage with two wheels for travelling

\* "Annals," vol. ii., c. 6.

† Adams's "Roman Antiquities," p. 510, 511.



expeditiously was called *Cisium*, and was usually drawn by three mules. Its body was of basket-work. There was also a larger carriage for this purpose with four wheels.\*

An open carriage for heavy burdens was called *plaustrum*, or a waggon, or wain. It had generally two wheels, sometimes four, and was commonly drawn by two or more oxen, sometimes by asses or mules. A waggon or cart with a coverlet wrought of rushes laid on it, for carrying dung or the like was also used; likewise a covered cart or waggon laid with cloths, for carrying the old and infirm of meaner rank.†

The animals usually yoked in carriages were horses, oxen, asses, mules, and camels. Elephants, and even lions, tigers, leopards, bears, dogs, goats, and deer were occasionally used for this purpose.

The Roman war chariots had scythes projecting from the axletree. As early as Cicero's time, this sort of conveyance was in frequent use for journeys, and was drawn by two horses or mules.‡ The horses were attached to Roman carriages by a yoke fastened to the front of the pole, and lying on their necks. If the carriage was drawn by one horse only, shafts were used instead of a pole, but even then a yoke was placed upon it.§

The Greeks were careful to have the stable so placed with respect to the house, that the owner could see his horses frequently; and the stable was so managed that the provender could not be easily stolen out of the manger. The floor was made to decline, and was pitched with stones, each being about the size of a horse's foot, a practice still in use; and, as is now the case, the horses were fastened to the manger by a halter. The stable-yard was paved with round stones, bound with a rim of iron, to keep them close together. Near the stable-yard was a place for the horses to roll themselves.||

Closely connected with the subject of travelling, is the plan of sending messages by couriers and telegraphic communi-

\* Adams's "Roman Antiquities," p. 513, 514.

† *Ibid.*

‡ Becker's "Gallus," translated by Metcalfe, p. 262.

§ *Ibid.*, p. 266.

|| "Arts of Greeks and Romans," vol. i. p. 280.

cation. Couriers are mentioned by Herodotus as having been contrived by the Persians. He informs us that "as many days as are occupied in the whole journey, so many horses and men are posted at regular intervals, a horse and a man being stationed at each day's journey. Neither snow, nor rain, nor heat, nor night, prevents them from performing their appointed stage as quick as possible. The first courier delivers his orders to the second, the second to the third, and so it passes throughout, being delivered from one to the other, just like the torch-bearing among the Greeks, which they perform in honour of Vulcan."\*

Cæsar informs us of his having found a sort of telegraphic communication established among the ancient Gauls. He says that "whenever a very important and remarkable event takes place, they transmit the intelligence through their lands and districts by a shout; the others take it up in succession, and pass it to their neighbours."† It also appears that men were posted on heights to carry the intelligence from one to the other by shouts. This practice was adopted in Persia; and the Spaniards, on their invasion of Peru, found that runners were stationed at short regular distances to convey any important intelligence to the Government.

As public posts were not established in Rome, special messengers were employed to carry letters for private persons. Correspondence was frequently carried on in Greek. The letters were written on their tablets of wood or ivory, or on parchment, covered with wax, in which the letters were formed with a stilus. A board was inserted between the tablets to prevent their rubbing together, and obliterating the writing, and they were fastened together by a thread, which was sealed.‡

Herodotus speaks of roads being formed through different countries in his time, and even of inns upon these roads,§ which were probably the result of the former. Many of these roads were paved, as was the case with that between Athens

\* "Urania," viii. 98.

† "Commentaries," b. vii., c. 4.

‡ Becker's "Gallus," translated by Metcalfe, pp. 249, 250.

§ "Terpsichore," v. 52.

and Eleusis, which was laid down with rough stones of a moderate size, like the streets of modern cities. Stones of different shapes and sizes appear to have been used on different roads, varying according to the materials found near at hand, and the hardness and durability of those materials. We are told that the breadth ordinarily occupied by the carriages of the ancients was five feet, consequently their roads were made wide enough for two carriages to pass.\*

The Romans we know, both from the remains of the roads which they constructed in this country, as also from what is preserved of ancient roads in their own, were celebrated for their skill in this respect. The most renowned of the Roman roads in Italy was the Appian Way, still in existence. It is broad enough for two carriages to pass, is constructed of stone, and reaches from Rome to Capua.†

In Greece there are no large rivers, and the torrent streams drying during summer, bridges are rare. At Mycenæ was one which was not arched, but was formed of projecting stones. Indeed, to cross a mere chasm, it was not unusual to pitch two large stones, so as to meet at the top, and form an acute angle, like the letter A, with abutments to keep them in position, and then form a roadway across.‡

Bridges of boats are alluded to by Tacitus§; and bridges of this kind may still be seen on the Rhine, and some of the other large rivers on the Continent. This sort of bridge is mentioned by Cæsar as in use among the Helvetii; || he describes the bridge which he constructed across the Rhine by means of piles driven into the ground, and beams covered with laths and hurdles laid over them.¶

We have now reached the termination of another stage in our effort to trace from its earliest foundation the civilization of the world. From what small and simple originals do the most complicated systems occasionally arise; and in their

\* "Arts of Greeks and Romans," vol. i., p. 131.

† Becker's "Gallus," translated by Metcalfe, pp. 48, 49.

‡ *Ibid.*, 123, 124.

|| "Commentaries," c. viii.

§ "Annals," b. vi., c. 37.

¶ *Ibid.*, c. xvii.



career how completely and how forcibly do they serve to illustrate the progress of civilization, and to exhibit the various phases which it assumes ere it reaches maturity ! Highly interesting, indeed, it is to trace its influence on the different pursuits which we have been considering, and in turn the influence of these different pursuits on the course and progress of civilization. Great as appears to be the distance from us of the periods which we have been surveying, yet nevertheless the transactions and the pursuits of those days still exercise an influence upon us, and upon our times. The progress of these great nations it is ever most interesting to observe ; and as we have already learnt much from them of what is most valuable to us we ought not to be too proud still to look up to them as among the best and wisest of our instructors. Precisely the same elements of civilization which affected them, influence us, and in exactly the same mode.\* Considering what vast achievements they in their rude and comparatively barbarous condition contrived to accomplish, transmitting to us such stupendous and durable monuments of their industry, ingenuity, and taste:†—we ought with our immense advancement in science, and the undeniable advantages over them which our extensive experience affords us, to endeavour, if we cannot rival them in invention, to bring to complete maturity that civilization of which they were the founders.

\* "Civilization considered as a Science, in relation to its Essence, its Elements, and its End," by G. Harris, F.S.A., (Bohn's Library Edition), p. 365.

† *Ibid.*, p. 40.



# OLD FOUND LANDS IN NORTH AMERICA,

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WHEN on the 24th June, A.D. 1497, John Cabot and his son Sebastian, the rich Venetian merchants of Bristol, in their ship the *Matthew*, came upon the island of Newfoundland, St. John's, and the continent of North America, it was thought they had added a lustre to the reign of their royal patron, Henry VII., and a promise of wealth to his kingdom by their discoveries, such as England had never before dreamt of. Their voyage seemed as important as that of Christopher Columbus, in a different latitude, some five years before, and it has proved so in the result. It is probable, however, that these adventurous Venetians may have heard of the voyage of their countrymen, Nicolas and Antonio Zeni, to the same lands in A.D. 1380, and who published a map of them, though some take this account of the Zeni to be spurious, and written after the voyage of the Cabots.

The discussion of this question is beyond our present purpose; we have only to do with the age of the Cabots, because they were contemporary with the revival of learning and the discovery of the printing press, which was to scatter and reveal stores of knowledge long buried, and in due time to kindle in the distant land of Iceland, and in Scandinavia, a zeal for searching out manuscripts as fervent as any which burned in the other countries of Europe; when it came to be known that the new-found-lands of the Cabots had been discovered 500 years before their time by the navigators of Iceland and Greenland.

Iceland in A.D. 1000 was not behind the times; its literature deserves our attentive study. The principal MS.

works have been reproduced in the original language, with translations into Latin and Danish, which bring them within the reach of all; and therefore, though the subject of this paper is not new, it is worth discussion, as the story of the Greenland navigators has been too much disregarded, if not disbelieved; and when the various comments upon it are put together, there can be no reasonable doubt of its authenticity and truth.

This history will be found to rest upon a more solid foundation than that of the Welshman Madoc,\* who is said to have made a voyage from Wales across the Atlantic about the year 1170 sailing due west, and leaving Iceland to the north; from his second voyage in the same direction he never returned. The Welsh bards are the authorities; from them Meredith-ap-Rees, a famous poet, derived the account of the voyage which he gave to the world; but Meredith-ap-Rees died in 1477, about 300 years after the events he describes, and which lack confirmatory evidence. (Pinkerton's "Voyages and Travels," vol. xii.)

Iceland† was first colonized by Ingulph the Norwegian, A.D. 874, who fixed his habitation on the south-western coast at Reikiavik, where its capital town afterwards arose. He found the island covered with willows, but he had visited it some years before,‡ and as early as 861, Naddod the Norwegian pirate had discovered and called it Snowland, and a short time afterwards one Garder visited and called it Gardersholm.

Ingulph threw into the sea the upright stocks (Setstokkr) to form the posts of the best bedroom of his new home, and where the waves washed these ashore, on that spot, according

\* The genius of the poet Southey has given to Madoc a "local habitation and a name" on the American soil—but this is not history.

† The island covers an area of 40,000 square miles, being about 220 English miles in length, and 210 in breadth. (Murray's "Handbook for Denmark," 1867.) Its population at the last census was 60,000, but it is said at one time to have contained as many as 100,000 inhabitants.

‡ Ara-Frode-Islendinga-Bók.

to the superstition of the times, was he to fix his future dwelling (Landuama Bok, p. 1, c. 6). Our St. Cuthbert in the same way received from the waves the timbers of which his cell was to be built in Farne Island.\*

The material progress made by Iceland may be judged from the fact that Harold of the beautiful hair, King of Norway, feared his kingdom would be impoverished by the emigration thither, and imposed a tax of five "auras," or ounces, on every one sailing between the two countries, a tax afterwards continued, in a modified form, under the name of "Landaurar" (Ara Frode-Is-Bok, c. 2). I will introduce the subject of the early voyages by giving some account of Snorre, *facile princeps* of the Icelandic writers, who was connected with many of the principal men of his time. Into his great work, the "History of the Kings of Norway," is inserted the account of the discovery of Newfoundland and Canada, to which I shall refer subsequently.

Snorre, the son of Sturla, was born in A.D. 1178, at the seat of his ancestors at Hvam, in the west of Iceland, and through his parents was related not only to the principal families in Iceland, but could trace a descent from the kings of Sweden and Norway. In his third year he was adopted into the house and family of John, son of Lopt, who lived at Odda, in the south of the island, and to that learned and experienced man he was indebted for the rudiments of a solid education. John was the grandson of the famous historian Sœmund, surnamed the Learned, and his house, where

\* "Almighty God sent him that very tree on the salt flood, and that flood threw it up just where he designed to build the house on the sea-shore."—"Homilies of Alfric, St. Cuthbert, XIII. Kal. April." In John Frobisher's account of his voyage in 1577, northward, he says, "After we were six days sailing from Orkney, we met, floating in the sea, great fir trees, which were, as we judged, with the fury of great floods rooted up, and so driven into the sea. Iceland hath almost no other wood nor fuel but such as they take up upon their coasts. It seemeth that these trees are driven from some part of the New-found-land, with the current that setteth from the west to the east."—(Pinkerton's "Voyages and Travels," vol. xii.)



Snorre passed sixteen years of his youth, has been called the workshop of literature and seat of the Muses. After the death of John, in A.D. 1197, Snorre married Herdisa, daughter of Berse the priest, surnamed the Rich. This marriage brought him property, of which he stood much in need, his patrimony being reduced to less than 160 rix-dollars. By his marriage he was placed in possession of 4,000 rix-dollars, a large sum for those times, which he turned to such good account that he soon became, after Sœmund the son of John, the richest man in Iceland. He could command the attendance at the "gemot" of more than 800 or 900 armed men; and he possessed six large estates, besides many smaller ones, and so many flocks and herds that he could afford, in a time of drought and famine, to lose 120 head of oxen without feeling the loss.

He settled first at Hvam, with his mother, then at Odda, with Sœmund, son of John, and afterwards built a fine house for himself at Reikholt, in South Iceland, on a property of his wife's, which he adorned with baths, so solidly built, that after nearly 600 years they remained in good condition. Increasing in wealth, learning, and authority, he found himself in 1213 elected Supreme Judge of Iceland, an office which he again filled in 1215, 1222, and 1233. About this time his fame was noised abroad by a poem which he composed in honour of Earl Hakon, of Norway, a prince, who honoured him with ample presents, and invited him to Norway. His journey thither was, however, delayed by the death of the Earl till 1218, when he obtained on his visit the favour and acquaintance of Earl Skule and of King Hakon of Norway.

A poem which he dedicated to Christiana, the widow of his first patron, Earl Hakon, was rewarded by the gift of a shield, or a standard, which had belonged to Eric, son of Canute, king of Sweden. He spent the next winter in the palace of Earl Skule, and was made a feudatory satrap, or leensmand, an honour which was amply repaid by the use of his influence in the affairs of Iceland; for the Norwegians meditated an



attack upon the island, with a view to annexing it to their own crown.\* Snorre dissuaded the Earl from making a warlike attack, but promised to get the island made over to him without it, and to send his son John Murt as a hostage, to be educated in the palace of the Earl.

Snorre returned to Iceland in 1220, and kept his promise so far as sending his son, but as to the rest he was either unable or unwilling to carry it out. He appears to have made enemies at home, having quarrelled with the members of his own family ;—with his two brothers, Thorder and Sighvat, with Sturla his grand-nephew ; with Gissur, Kolbein, and Thorold, his sons-in-law, and with his son Urækia, his step-sons, Klæng and Orme ; and with Sœmund, the son of his foster-father, from whom he had received signal services. His ambition and avarice caused him to be both grasping and treacherous, and the constant contentions, lawsuits, and intrigues in which he found himself entangled embittered his life, and were finally the cause of his death. His domestic life was most unhappy ; some assert that when he had sent away his wife Herdisa he contracted another marriage during her lifetime with a rich widow, Hallveig by name, daughter of Orme, and formerly wife of Bearn, one of his most bitter enemies. This was in 1224. Matters went on so badly with him that about the year 1236 his three sons-in-law, who had all repudiated their wives, rose up against him, and his own brother Sighvat and Sturla his son deprived him of his goods and possessions. He retired to Norway in 1237 ; but here he was unfortunate, for his friend Earl Skule, who had headed a rebellion, was killed in 1240 ; and when Snorre returned to Iceland, Hakon, the King of Norway, who felt aggrieved about some poems written by Snorre in Norway, sent to Gissur, one of the hostile sons-in-law, to have him apprehended, and Gissur rejoiced, for the sake of his wealth and possessions, to carry the king's wish into execution, by having him attacked in his villa at

\* Iceland, however, preserved its independence till A.D. 1264, when it was annexed to Norway.

Reikholt by seventy armed men on the eve of the feast of St. Mary, in the month of September, when he was killed at the age of sixty-three, A.D. 1240.

He was a man eminently distinguished as an historian and a poet, well skilled in the Latin and Greek tongues, and with no mean knowledge of mathematics and of the mechanical arts. His works which have descended to us are the "Edda," a compilation of the poems of the Skalds or Bards, shaped by his genius into an heroic epic of northern deeds, manners, and mythology, and the history of the kings of Norway, for which works he had abundant opportunities of collecting materials.

Thermodus Tarfœus, the learned editor and critic of the Icelandic writers, bestows upon him the flattering epithet of "*ævi patriæque suæ decus, reique historicæ columen.*" (In præf. "*Hist. rerum Norvegicarum,*" Hafnæ, 1702.)

We must now leave the historian of the end of the thirteenth century, and go back to the end of the tenth and beginning of the eleventh, when voyages were made to the lands of North America, of which the following is a recital. Eric the Red emigrated from Iceland to Greenland \* in the spring of A.D. 986,† and fixed his residence at Brattahed, in Eric's Fiord, accompanied by Heriulph, the son of Bard. Eric was a man held in general esteem. His pedigree is given from Ox-Thorer, proprietor of three islands in Norway, containing large herds of oxen, who paid one ox to Harold of the beautiful hair by way of contribution; he was father of Ulph, who was the father of Oswald, father of Thorold, who was the father of Eric the Red. ("*Landuama Saga,*" p. 3, c. 10.)

Eric had been found guilty in the courts of law of taking away the life of some of his enemies in Iceland, according to

\* Twenty-five vessels took the same course this summer, of which fourteen arrived at their destination; some were driven back by adverse winds, and some were lost. "*Hist. Olavi Tryggvii filii, in Snorre Heims-kringla.*"

† "*Quindecim hyemibus, antequam religio Christiana in Islandia lege recepta est,*" A.D. 1,000. ("*Hist. Karlsef. in Script. Hist. Island,*" vol. i.,

Eyrbyggja (ch. 24, p. 108) in A.D. 983, and sailed away to Greenland; but returned home the third winter afterwards, and finally emigrated in 986. He gave the name of Greenland to his new colony in order to attract settlers.

His sons were Leif, Thorold, and Thorstein, and he had a daughter named Freydisa, married to Thorold who lived at Gard, where is now the episcopal seat. She was a woman of lofty mind and imperious temper, but her husband was a poor-spirited man, whom she married for his money.\* At that time all the inhabitants of Greenland were heathens.

#### BEARN'S VOYAGE.†

Herluph, son of Bard, was the grandson of Heriulph, who was related to Ingulph, the first settler in Iceland. His wife's name was Thorgerda, and his son Bearn was a youth of good promise, ready for any adventure. From his boyhood he loved to visit foreign countries, and successful there in earning wealth and honours, he spent each alternate winter abroad and at his father's house. Bearn became possessed of a merchant ship on his own account when he spent the last winter in Norway, A.D. 985. In the meantime Heriulph was preparing to make a voyage with Eric the Red to Greenland, leaving his estate under the care of others; and a Christian of the Hebrides,‡ who accompanied him on the voyage, composed some verses for the occasion. Heriulph took up his abode at Heriulphsness (naze or cape), in Greenland. Bearn's ship returning from Norway touched at Eyraas in Iceland, in the summer of the same year, in which his father had sailed from thence. Vexed at this, without unloading his ship, he resolved upon sailing to Greenland to winter, however imprudent this might appear, as none of his crew had ever navigated the seas in that quarter. Taking in therefore

\* In his history, Thorfinn Karlsefne gives Eric only two sons Thorstein and Leif, by his wife Thorhilda, and a natural daughter Freydisa.

† Snorre, "Heimskringla," chap. cv.

‡ By the Icelanders these were called "Sudreyas," Southern Isles,



what was necessary for the voyage, they sailed for three days out of sight of land. Then the fair wind failing them, it began to blow from the north with a cloudy sky, so that they knew not whither they were sailing. Several days passed in this way; the sun at last appeared, enabling them to see some coast; then sailing on for that day and night, they came in sight of land, but Bearn saw that it was not Greenland, and sailing along the shore, found it bare of hills, but covered with wood for a long way, and dotted over with mounds. Leaving the land to the left, and changing their course, they continued for two days, and as many nights, before coming again in sight of land: this was not Greenland, which had lofty mountains covered with perpetual snow. In a short time, approaching this land, they found it plain and rural, and covered with woods. They continued their navigation with a favourable S.W. breeze for three days and nights, and then discovered land, steep, and covered with mountains. Then pursuing their course near the shore, they perceived it was an island, so, turning the prow from the shore, they put to sea again, the same favourable wind blowing; but a stiff breeze freshening, they had to take in sail, and make as much way as the ship would bear for three days and nights, and on the fourth they saw land, which, on a nearer approach, appeared to be Greenland. At sunset they put in near a promontory called Heriulphsness,\* because Heriulph, the father of Bearn, lived there. Here Bearn dwelt with his father as long as he lived, and gave up going to sea, and remained there after his father's death.

#### VOYAGE OF LEIF, SON OF ERIC THE RED.†

It remains to be told that Bearn went out of Greenland to

\* The distance between Newfoundland and Heriulphsness (*Ikegeit*) in Greenland is over 1,000 English miles. Grimla, an ancient geographer, likens Baffin's Bay and Davis's Straits to the Ginnungagap of the "Edda" (Fable IV.), which seems to mean a yawning chasm or fathomless abyss.

† Snorre, "Heimskringla," chap. cvi. The date of this voyage is fixed in "Antiq. Americ." as A.D. 1000.



present himself to Earl Eric in Norway, and related to him the events of his voyage, confessing, however, that he could report nothing of the discovered lands, whereby he incurred the reproach of lacking proper curiosity. He remained an officer of the earl's palace, and returned the next winter to Greenland, by which time there was much talk abroad about voyages of discovery. Leif, son of Eric the Red, of Brattahled, came to Bearn, bought his ship, and manned it with thirty-five sailors. His father Eric, on the plea of age and failing health, declined to accompany him, so he set sail with his thirty-five companions, among whom was a Turk, and they first came upon the land which Bearn had last touched at. Approaching the shore and casting anchor, they sent out a boat and landed. Lofty, snow-capped mountains occupied all the higher ground, up to which from the sea the land was covered with stones, for which reason all that shore seemed destitute of natural advantages and necessities for the support of life. Then Leif, more inquiring than Bearn had been, named the land Helluland.\* Re-embarking, they sailed to another shore, where they landed. This shore was flat, covered with woods, and strewn with white sand (*hvitir sandar*), and shelved gently down to the sea. Leif called the place Markland,†

\* From *Hella* (slate). This corresponds with Newfoundland. The coast of Labrador, and down to Newfoundland, is thus described by Roger Curtis, in "Phil. Trans.," vol. i., xiv. :—"This vast tract of land is extremely barren, and altogether incapable of cultivation. The surface is everywhere uneven, and covered with large stones, some of which are of amazing dimensions. There is no such thing as level land. It is a country formed of frightful mountains, and unfruitful valleys. The mountains are almost devoid of every sort of herbage." ("Antiq. Amer.")

† Markland (Woodland), which appears to be Nova Scotia, is about three days' sail from Newfoundland. The land about the harbour of Halifax, and a little to the southward, is in appearance rugged and rocky, and has on it, in several places, scrubby withered wood. Although it seems bold, yet it is not high. ("Columbian Navigator," by Jno. Purdy, London, 1853, vol. i., p. 17.) From Port Haldimand to Cape Sable the

as he proposed to name each place according to the circumstances of the discovery. Hastening away thence in their ship, they put out to sea with a north east wind in their sails, and pursued their course for two days and nights before seeing land.\* Making for this, they approached an island situated on the northern shore of that land, where they disembarked and surveyed the place.† The weather was fine, the sky clear, and they saw herbs and grass wet with dew, the taste of which was to them most grateful and sweet. Then returning to the ship, and entering the channel between the island and cape which ran out into the sea from the mainland towards the north, they bent their course to the west, near the promontory. Here were great shallows when both seas flowed down from the shores, so that the tide left the ship there high and dry, and the sea appeared to them, as they looked out, to be a long way from the ship. Such, however, was their curiosity and eagerness to see the country, that they could not wait for the tide to float the ship, but went at once on shore at a place where a river discharges itself into the sea out of a lake. As soon as the flow of the tide floated the ship, they returned on board in their boat, and advanced the ship into the river and up into the lake, where they cast anchor. Then they lightened the ship, and built huts and booths (*Leifsbudir*); afterwards, upon consulting together, they agreed to prepare for winter, and built a large house: nor did they want for salmon in the lake or the river, for there were some of larger size than they had seen elsewhere. The region enjoyed so temperate a climate, that there was no need of feeding the cattle with hay during winter, for no cold was

land appears level and low, and on the shore are some cliffs of exceedingly white sand, particularly in the entrance of Port Haldimand and on Cape Sable, where they are very conspicuous from the sea. ("Antiq. Americ.")

\* Two days' sail from Cape Sable to Cape Cod; the distance is about 36½ English miles.

† The island of Nantucket.

felt in the winter season, and the herbs and grass dried up but little. There was a greater equality of days and nights than in Greenland or Iceland. When the day was shortest, the sun set at half-past four p.m., and rose at half-past seven.

When building operations were completed Leif divided his company into two bands for exploring purposes, of which one was to remain at home and the other to scour the country, but not to go farther away than so they might be able to return home at sunset, and they were not to scatter themselves. They followed these instructions for some time, and Leif himself would take his turn at an exploration with his comrades; and he was a man of commanding stature and strength, of manly aspect, and endowed with not less prudence than moderation.

#### LEIF WINTERS IN VINELAND AND RETURNS HOME.

It happened one evening that a man of the exploring party was missing, namely, a Turk who came from the land of the south. Leif was sorry for this, because the Turk had lived long at his father's house, and had tended him as a boy with great care. Reproaching his comrades for this mishap, Leif prepared himself to go, in company of twelve others, to seek the Turk; but not far from home they met him to the joy of the party. Mutual explanations took place, the Turk telling them that he had not wandered far from them, but had found vines and grapes; and when Leif questioned him further on this subject, he said that he could speak with certainty, having been born in a land where grapes grew in abundance. Next morning, Leif told the sailors he had two works to get through, and a day must be given to each: one was to gather the grapes, and the other to cut vines and timber to load the ship, which they diligently performed, filling their largest boat with grapes, and the

\* Snorre,—“Heimskringla,” chap. cvii.



ship with wood. There were fields of corn\* growing spontaneously, as well as trees which we call Mausur (bird's-eye or curled maple). Of all these things they brought home specimens, also timber of such size as to be adapted for roofing houses. At the return of spring, after preparing all necessities for the voyage, they sailed from that land which Leif, from the produce of its soil, called Vineland (land of the vine). They proceeded with a favourable wind till the snow-capped mountains of Greenland came in sight. Leif saw some men on a rock. He asked them who was their leader; one of them answered that his name was Thorer, a Norwegian by birth and family, inquiring, in return, what his name might be. When Leif mentioned his name the stranger said, "Are you the son of Eric the Red, of Brattahled?" "Even so," said Leif, and he took the shipwrecked men into his ship; he invited Thorer and his wife Gudrida to accept his hospitality, and found accommodation elsewhere for the other three men, as well as the sailors, both those of Thorer and his own. Leif released fifteen men in all from the rock. He acquired the name of the Fortunate, rising as he did to wealth and honours.

The next winter disease broke out among the party of Thorer, of which he died himself, and a great part of his followers. The same winter died also Eric the Red. The fame of Leif's voyage to Vineland was now widely spread, but Thorold, his brother, considered the country had not been sufficiently explored, so Leif offered him his ship, if he liked to sail to Vineland, but before going he asked him to bring over from the rock the wood and materials which Thorer had left behind, which was accordingly done.

\* Indians reap the maize without having sown it, and store it in holes in the earth. Our ancient Britons stored their corn in the same way. (See Diodorus Siculus, lib. iv.)



THOROLD'S VOYAGE TO VINELAND, AND ENCOUNTER  
WITH THE SKRÆLINGS (ESQUIMAUX).\*

Thorold, having engaged thirty companions, prepared for the voyage, his brother Leif assisting him with his advice. They then put to sea. Nothing has been transmitted as to their voyage before they arrived at Vineland, at the huts and buildings erected by Leif. There they laid up the ship in safety, and established themselves for the winter, obtaining subsistence by catching fish. The following spring Thorold ordered the ship to be got ready, as well as the largest pinnace, to be manned by a few men, to coast along towards the west by the shore. The country seemed to be pleasant, widely covered with woods, which stretched down almost to the sea, and the shore was strewed with white sand, interspersed with many islands and shallows. But nowhere were seen the abodes of men or lairs of wild beasts. In the island, however, situated further westward, they found floors proper for drying corn, but no other vestiges of human labour. They returned in autumn to Leif's huts. Next summer Thorold, embarking in his merchant ship, sailed towards the eastern and northern country, keeping near the shore. Trying to double a cape a tempest arose, by which the ship was driven on shore and broke her keel, a mishap, which caused considerable delay. Then Thorold called his comrades, and setting up the keel of the ship, said, "I shall name this cape Keelness" † (Keel naze, or cape). Carried on from thence, they coasted along towards the east, and entering one of the nearest bays, came to a mountain running out into the sea, and covered with wood. Thorold brought his ship to an anchorage, and making a bridge from the ship to

\* Snorre,—“*Heimskringla*,” chap. cviii. This voyage was in A.D. 1002.

† Cape Cod, the Nauset of the Indians; Funderstrander, the long Nauset beach; Straumfiorder (Buzzard's Bay), and Straumey (Martha's Vineyard, or Egg Island), are mentioned in *Karlsefne's History*.

the shore, landed with all his men, saying, "Here I shall build my house, on this favoured spot."\*

Returning to the ship, the party saw on the sand three small mounds, and approaching them, found three boats made of or covered with skins, and under each were three men; so dividing themselves into parties, they laid hands upon them all, except one who escaped with his boat. They killed the eight prisoners, and went back to the mountain to continue their exploration. In a bay they perceived some mounds, and conjectured they must be human habitations. Here, however, so great a desire for rest seized them, that they all fell asleep. A noise fell upon their ears of some one calling to Thorold to arouse all his comrades if he cared about saving their lives, and he must hasten on board with his men as quickly as possible, and put out from the shore. Having done this, a vast multitude of boats, covered with skins, issued forth from the bay, and attacked them. Thorold exhorted his men to defend themselves and the bulwarks of the ship with wooden crates, but to abstain from attacking the enemy with arms. The Skrælings,† having for some time hurled their darts at them, took to flight, each one by the shortest way open to him. The men received no wounds, but Thorold received a mortal wound from an arrow, which struck him from between the ship and the shield. He advised his men to hasten their departure, but to bury him on the promontory, which seemed a fit spot for his last home, and he ordered crosses to be placed at the head and foot of his grave, and that the promontory should henceforth be called Crossness ‡ (or Cape of the Cross). Greenland had become Christian, but

\* Mount Hope's Bay, through which the Taunton river flows. It was here that Leif's booths were situated. Above it, and therefore most probably on the beautifully situated elevation called afterwards by the Indians Mount Haup, Karlsefne erected his dwelling-house. Here the shortest day is nine hours, giving latitude  $41^{\circ} 24' 10''$ , which corresponds exactly with the other data. ("Antiq. Americ.")

† Esquimaux.

‡ Gurnet Point.

not before the death of Eric the Red. When Thorold died his injunctions were carried out.

After passing the winter, in the following spring the party collected grapes\* and wood, with which they filled the ship, and returning to Greenland, cast anchor in Ericsfiord, conveying to Leif the important news.

#### THORSTEIN† SAILS TO VINELAND.

Meanwhile it happened at Ericsfiord that Thorstein, Eric's son, had taken to wife Gudrida,‡ the widow of Thorer. This other son of Eric was moved by a desire of voyaging to Vineland, to pay funeral honours to his brother Thorold. He got the same ship ready, and choosing companions, selected for their size and strength, to the number of twenty-five, he set sail together with his wife Gudrida. They were tossed about all summer on the ocean, not knowing whither they were carried, and a week after the beginning of winter (which began on the 14th October) they put into Lysufiord, on the west coast of Greenland. Here a fever carried off Thorstein. His wife Gudrida remained till the spring with the host who had entertained them, and then sailed back to Ericsfiord, and went to the house of Leif in Brattahled.

#### OF THORFINN KARLSEFNE'S VOYAGE TO VINELAND.§

That summer a ship arrived in Greenland from Norway, commanded by one Thorfinn, surnamed Karlsefne.|| He was a rich man, and spent the winter at Brattahled with

\* Grapes could not be ripe to gather in the spring; they must have been gooseberries or some other fruit.

† Snorre, ("Heimskringla," chap. cix.) This voyage took place in A.D. 1005.

‡ This lady is sometimes called Thurida and sometimes Gudrida, the former probably being her heathen name, and the latter given to her when she became a Christian.

§ *Ibid*, chap. cx. This voyage was in A.D. 1007.

|| Or one destined to be great.



Leif, the son of Eric, where, falling in love with Gudrida, he made her an offer of marriage. The lady very properly referred the question to her brother Leif, and the nuptials were celebrated. At that time the voyages to Vineland being much spoken about, Gudrida, as well as others, persuaded Karlsefne to undertake an expedition thither. The voyage was agreed upon, and he took with him sixty sailors and five women.\* It was agreed between Karlsefne and his men that whatever profit was made should be divided among them in equal shares. They took with them all kinds of live stock, with the intention of settling in the land if found advantageous. Leif offered to let his huts in Vineland for the use of the colony, but not to part with the freehold. They set sail, and arrived in safety at Leif's huts, where they unloaded the ship. They fell in with a great prize in the shape of a large whale, which had been cast ashore by the waves, and whose carcass furnished them with abundance of food. Karlsefne saw his herds well tended, and ordered the timber he had cut to be exposed on the hill-tops to dry. The fruitfulness of the land yielded grapes and game of every kind. When the first winter had passed and summer was approaching, the party saw the Skrælings appear in great multitudes, issuing from a wood, near the spot where their cattle were grazing, and the bull they had brought began to roar with so harsh and fearful a sound that the Skrælings ran away in a fright, throwing down the bundles they were carrying of skins of all kinds, and turning towards Karlsefne's village, tried to enter his house; but he ordered them to be driven from the doors. Neither party well understood the other, but the Skrælings, depositing their bundles, desired to exchange their skins for arms, but Karlsefne prohibited his men from selling arms, ordering the women to bring their pitchers full of milk, so that the Skrælings took away their purchases in their stomachs, while Karlsefne and his

\* According to Karlsefne's history, his ship contained forty men, and there were 160 men in all in the expedition.



colleagues kept the skins. After this Karlsefne took the precaution to fortify his village with a very strong timber stockade, that he might be safe against every contingency.

At the same time his wife Gudrida presented him with a son, whom they named Snorre.\* At the beginning of the second winter the Skrælings came to them in greater numbers than before, again bringing wares. Then Karlsefne ordered the women to bring out the eatables, which when they saw, they threw over the battlements the bundles of skins. Gudrida was sitting within the entrance hall of the house by the cradle of her son Snorre, and heard a scuffle arising from one of Karlsefne's followers having killed a Skræling who had endeavoured to run away with some arms, on which the others took flight, with their wares. Karlsefne saw prudence was necessary, as he expected they would come a third time, formidable in numbers, and breathing war. He determined, therefore, to send ten of his men to the nearest cape to reconnoitre, and another band to the woods to cut down trees and prepare an open space as pasturage for the cattle, and a place wherein to assemble, unseen by the enemy. The comrades of Karlsefne carried out his plan, and the Skrælings proceeded to the spot which Karlsefne had planned for the battle. Many of the Skrælings fell in action. One of them lifted an axe, and brandishing it about, brought it down upon one of his companions standing by, who fell dead; then a man of commanding stature and beauty who was in the fight, and seemed to be their leader, seizing the axe, and looking at it for some time, hurled it as far as he could into the sea. The Skrælings immediately retreated into the wood by the shortest road, and the battle was over.† Karlsefne spent the winter with

\* Snorre, the son of Karlsefne, was born the first autumn after his arrival; when he left the colony the boy was three years old. ("Hist. Thorf. Karlsef.")

† Two Scots, swifter of foot than the wild animals themselves, were sent southward to explore, and returned in three days with grapes. The man's name was Hake, and the woman's Hekia. They wore the

his companions, but spring approaching, he informed them that he should not remain any longer, but return to Greenland. They therefore prepared for the voyage, taking with them vines, grapes, and skins, and arrived safely at Ericsfiord to winter.

THE VOYAGE TO VINELAND OF FREYDISA, ERIC'S  
DAUGHTER. \*

This lady was ambitious of attempting the voyage to Vineland, productive as it seemed to have been both of riches and honour to those who had previously undertaken it. She went in company of her husband, and of two brothers from Iceland, named Helga and Finnboge. After the commission of many crimes in the new colony, and the murder of Helga and Finnboge, she returned home, her voyage presenting no adventures of special interest. The facts related in this last voyage want that air of truth and probability which characterize the narrative of the five former voyages. Family and religious feuds ran high in Greenland and Iceland, and it is probable Freydisa was not on good terms with her

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Kjaval Anglo-Sax., *ceaf*, a cloak, hence, perhaps, shawl or scarf ("Hist. Thorf. Karlsef.") These Scots could not have foreseen the footing which their countrymen would afterwards obtain on the soil. Nova Scotia came into possession of Sir William Alexander by a patent of King James the First. He was afterwards Earl of Stirling. It was suggested to King James that as this and the country to the northward was not likely to be planted in a reasonable space of time by the English, it would be a wise and prudent measure to grant under the great seal of Scotland a part of it to his subjects of that kingdom, as it would be more beneficial to the United Kingdom that the Scots should be transplanted thither than to Poland, Sweden, and Russia, as at that time was frequently done, and in those countries there were then living many thousands of Scottish families. This scheme for planting Nova Scotia was defeated by the courtiers. The colony was afterwards sold to the French, and at last, after many changes, was secured to the British Crown by the Treaty of Utrecht in A.D. 1712. (See Pinkerton's "Voyages and Travels," vol. xii.)

Snorre, "Heimskringla," chap. cxi.

brothers, and perhaps not a Christian, which may have influenced the turn given to her adventures.

Karlsefne, the hero of Vineland, became the retired merchant-prince in Iceland, where he died full of riches and honours. He employed his leisure in writing the narrative of his expeditions in a clear and excellent manner. His widow, Gudrida, when her son Snorre, the American-born, married, went on a pilgrimage to Rome, and on returning to her Icelandic home retreated into a convent, where she exchanged a life of active adventure for one of contemplative hope. Snorre, her son, had a son Thorger, who was the father of Ingvellda, who was the mother of Bishop Brand. Another son of Karlsefne and Gudrida was named Bearn, the father of Thoruna, whose son was Bishop Bearn. Many families trace their descent from Karlsefne, and among others Snorre, the son of Sturla, the supreme judge of Iceland, whose life we have sketched. He was descended from a brother of Karlsefne. From his work, the "Heimskringla," Schonning's edition, Copenhagen, 1777, that the narrative of these six voyages is taken. The episode of these voyages does not altogether belong to the "History of the Kings of Norway," and therefore does not appear in the usual editions of that work. The original MS. is the famous Codex Flateyensis, so called from the Flat Island in Breidafjord, Iceland. The Bishop of Skalholt made a present of it to Frederic III., King of Denmark. It appears to have been written or begun in 1387, and finished in 1395. The next great authority for these voyages is a History of Thorfinn Karlsefne,\* in a MS., No. 544, in 4to., in the Arna-Magnæan collection in the University of Copenhagen, apparently of the end of the thirteenth or beginning of the fourteenth century.

The diversities in the accounts given in these two principal

\* This will be found inserted in "*Scriptis Historicis Islandorum de rebus gestis veterum Borealiū*," vol. iii., pp. 67—86, and in the "*Antiq. Americanæ*," a work which has brought together a mass of information on the subject.



MSS. seem to arise from the different views of the authors. The account of the voyages of Eric the Red and his sons seems intended to hand down with honour the discoveries of the Greenland navigators;\* whereas the History of Thorfinn Karlsefne strove to exalt the person of the principal hero—the Æneas of the expedition,—and therefore in it the three voyages of Bearn, of Thorold, and of Freydisa, are omitted. In other respects the two histories can be reconciled, the differences not being greater than might be expected from two independent testimonies. †

The author who first committed to writing Eric or his son's narrative it is difficult to conjecture.‡ That of Karlsefne was probably first edited by one of his descendants, either Bishop Thorlac, his great-grandson, born A.D. 1085, died 1133; or Bishop Brand, elected in 1163, or Bishop Bearn, elected in 1146.

The interesting collection of American antiquities published by the Royal Society of Northern Antiquaries at Copenhagen (1837) has furnished the identification of places with ancient names, also the dates of the early voyages, and of the MSS., and other particulars. In that work is presented an account of subsequent voyages by Icelandic and Greenland navigators to American shores in A.D. 1121, 1266, 1285, and 1347; and it is there shown how these countries are named in no less than eighteen Icelandic MSS., fac-similes of some of which are given

\* Ruins, and other traces of an early civilization in Greenland, which seems to have died away, probably through migrations to more genial lands, have been discovered on the south-west coast, but no such traces have been found on the eastern side. A map of the south-west coast, showing the points of interest, was made by Graah, of which a copy is given in "Antiq. Americ."

† Several fragments and MSS. of more recent date are referred to in the "Antiq. Americ."

‡ It may have been drawn from Ara Frode, the great historian of Iceland, who was born in A.D. 1068, but any notices of the affairs of Greenland in the twelfth century are scanty indeed. C. C. Rafu, in præf. "Antiq. Americ."



in the work.\* The documentary evidence of these voyages, beginning in A.D. 986, seems tolerably conclusive, but we have besides the strong probability that a nation almost living afloat during the summer months, in a clime where the nights are very short, would be led to span the gulf between the coasts of Greenland and Labrador, and frequent a shore so profitable for freebooting, hunting, and colonization.

The presence of a Scandinavian population on the mainland of North America is thought by some to be attested by monuments, traditions, and language in that country. The burial mounds and earthworks, such as are familiar in Britain and Scandinavia, are scattered over the valley of the Mississippi and elsewhere, and have been described by American antiquaries.†

The rocks, with sculptured hieroglyphics and Runic characters, are referred to and illustrated in the work, "Antiq. Americanæ,"‡ and Hugo Grotius has pointed out many words in the Mexican tongue which reveal, in his opinion, a Scandinavian origin, such as those ending in *lan*, as Coatlan,

\* Vineland is mentioned by Ordericus Vitalis, in his ecclesiastical history, "apud Duchesne Hist. Norm. Scrip. Antiq.," (Paris, 1619, at p. 767), who thus enumerates the countries subject to Norway :—"Orcades Insulæ et Finlanda, Islanda quoque et Grenlanda ultra quam ad septentrionem terra non reperitur." "Antiq. Americ.") Adam of Bremen ("Eccles. Hist.," book iv.) describes the regions beyond Denmark, and remarks of Winland "Eo quod, ibi vites sponte nascantur, vinum optimum ferentes, nam et fruges ibi non seminatas abundare, non fabulosa opinione sed certa comperimus relatione Danorum." These are writers of the twelfth century.

† The following works may be consulted: "Ancient Monuments of the Mississippi Valley," New York, 1848; "Antiquities of Wisconsin," by J. A. Lapham: Washington, 1855; and the Reports of the Transactions of the numerous philosophical societies of the United States and of Canada.

‡ An account of an ancient inscription on a rock in Taunton River, Narraganset Bay, in North America, is given by Michael Lort, in Vol. viii. of the *Archæologia*, S.A., 1787, p. 290, who describes the versions of older antiquaries on the same subject. The writing, and rude inscription, however, do not appear to be Scandinavian, but resemble rather the inscriptions found in Siberia, according to Col. Charles Vallency (ib.).

Icatlan, Metzitlan, &c., from *land* softened down by the Spaniards into *lan*. In *Bagod*, or Lesser God, the same author discovers our word for the Deity; in *lama*, our word for lamb; *top-hos*, the roof, &c.\*

The names of animals, as applied to men in Northern Europe, such as ulph (wolf) and its compounds; bearn (bear), and others, are used by the North American Indians, though the similarity of custom may only arise from similarity of circumstances and occupations among hunters and fishers.

The vague prophecy of Seneca came to be fulfilled; he predicted that the time would come when civilization would spread to a new world, and Iceland cease to be the end of the old one.

“Venient annis sæcula seris,  
Quibus Oceanus vincula rerum,  
Laxet, novosque Typhis delegat orbes,  
Atque ingens pateat tellus,  
Nec sit terris ultima Thule.” †—“L. An. Sen. Medea,” v. 375.

The Roman poet would have been as astonished at the gigantic commerce of these Canadian regions in A.D. 1873, as would Karlsefne and his crew at the quantity of timber cut and exported from thence; for it appears that the annual commerce of Canada has now reached the enormous value of ninety and a half million dollars in exports, and one hundred and twenty-six and a half million dollars in imports; ‡ and the

\* Hugo Grotius, “De Origine Gentium Americanarum.” See also T. Torfæus, “Historia Vinlandiæ Antiquæ,” Haon, 1705.

† Thule seems to have been known to the early Greek navigators, such as Pytheas, quoted by Strabo (lib. i.) The island, he said, was six days’ sail from Britain, and near to the frozen sea. The Romans appear to have known Iceland only by report. C. J. Solinus, writing *cir.*, A.D. 80, remarks that from Caledonia to the Hebrides was a two days’ voyage; thence to the Orkneys seven days and as many nights, and from thence to Thule five days and nights. The sea beyond Thule, he adds, was “pigrum et concretum.”

‡ The exact figures from the Canadian returns for the fiscal year ending June 30, 1873, show—

shipments from the St. Lawrence, Montreal, and Quebec of sawed timber have reached an annual quantity of thirty-six millions of superficial feet. The traders from Norway have not forgotten the ancient haunts of their race, for we find that no fewer than 379 Norwegian vessels loaded at seven ports of the Dominion during the past season. Canada fondly clings to its connection with Anglo-Saxon Britain, but the conviction of a common ancestry and pedigree from the earliest northern races may draw even closer the cords of brotherhood between the two countries, sufficiently interlaced as they are by the colonization and intercourse of later times.

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Exports	...	...	\$90,610,573
Imports	...	...	<u>126,587,523</u>
Total trade	...	...	\$217,198,096

Sawed lumber exported in 1873, 36,073,919 superficial feet. From *Times Newspaper*, 2nd January, 1874.

## THE RISE OF THE ENGLISH LEGAL PROFESSION.

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HOW much the English Law, in the present day, is indebted to the Roman, appears to be still a point on which writers differ. Professor Stubbs, in his edition of "Documents Illustrative of English History," holds that the debt is slight; or, at all events, that few remains exist, in modern times, of laws that had their origin in the days of the Roman occupation of Britain; while Mr. Finlason, in his preliminary essay to the last edition of "Reeves' History of English Law," argues, on the other hand, that we derive much of our system of jurisprudence and many of our present laws from this source. M. Guizot holds the same on behalf of the origin of the old French laws.\*

However, thus much appears certain, that the union of civil and ecclesiastical jurisdiction, in the Courts or *Gemôts*, which was so thoroughly carried out under the Saxon rule, was originated by Constantine and his successors, "a plague spot which developed with frightful rapidity throughout Europe."† It seems, too, that the Saxon invaders of this country permitted many of the national laws and institutions they

\* See his "History of Civilization in France," Bohn's translation, vol. ii., Lecture II.

† "Private Law amongst the Romans," by Maine, p 11.



found here established, and which were of Roman origin, to be retained by the natives, making them subsidiary to, but at the same time engrafting on them, their own customs and codes; until, as Lingard says, "the chain of descent from the Roman times to the Saxon is distinctly kept up in legal history."

It is, further, not unlikely that the Saxons themselves may have had some institutions of Roman origin, derived from the Theodosian code, A.D. 438, which Lord Mackenzie, in his "Studies in Roman Law," declares was held in high esteem by the various tribes that overran the Roman Empire of the West; and hence, when the Saxons subdued this country, and, afterwards when the Normans conquered it, many laws and customs, existing among the victors and vanquished, having this common origin, the assimilation of the rival systems was rendered less difficult than at first sight might be imagined.

The laws of Edward the Confessor, whose reign has been taken as the starting-point of the present inquiry, are supposed to have been based mainly on the laws of King Alfred, with certain changes improving the machinery for applying and enforcing these laws, adapted to the national advance in civilization, and they had, probably, customs and laws of Norman origin engrafted upon them.

It will be necessary to take a rapid glance over the Anglo-Saxon legal system, as existing between Alfred's collection of laws and that of Edward the Confessor, in order to see the foundation of the English common law, such as it was at the time of the Conquest, and which the Conqueror was obliged to adopt, instead of forcing a new system on his recently subdued subjects. How deeply the Anglo-Saxon system was rooted in the affections of the people of England, and how, under the title of the old common law of England, it long held its ground against the opposing force of rival systems, the hostility of clergy and sovereign, will be noticed from time to time, as the subject now under consideration progresses through the several reigns of our early Norman kings.

King Alfred's collection was not a complete codification of all the Anglo-Saxon laws, but a large mass of customary or common law existed amongst the people in addition ;\* to him, though, is due the first effort at a system, and "the bringing of justice to every man's door ;" he appointed justices to enforce the laws, and hanged them—so the story goes—if they were guilty of unjust judgments ; and to him is also attributed the institution of the County Court and the Sheriff's Court.

Several of the Saxon kings between the reigns of Alfred the Great and Edward the Confessor, *i. e.*, between A.D. 871 and A.D. 1043, made compilations of the laws, reducing into written law many of what were previously a part of the unwritten customs of the people, and of which by far the largest portions of the laws then existing consisted, being declared in the various "Gemôts" or assemblies, by the most notable men (or Senior Thanes) of the Burg, Hundred, County, or Shire, who were judges, under the presidency of the Bishop, or of the Ealdorman, sitting with the Reeve, as will be shown with more distinctness immediately.

The highest assembly was the "Witan," under the presidency of the King, and they appointed the "Folk-gemôt," or general assembly of the people, whether of a County or of a single Burg ; there was also the "Scir-gemôt," or County Court, over which the Bishop,† Ealdorman, and King's Reeve presided, with the freeholders as assistant judges or assessors ; next came the "Burg-gemôt," which was apparently presided over by the same persons as the County Court ; and, lastly, the "Hundred-gemôt," in later times called the Sheriff's Tourn, or View of Frank-pledge. Inferior Officers, also called Reeves, had smaller courts for collecting the revenue, taxes, imposts, and fines in the Towns, Ports, and Wicks or Hamlets. Besides the Courts already mentioned, the Bishops had Courts for judgment in

\* "Ancient Laws and Institutes of England," edited by Thorpe, preface.

† See "The Laws and Institutes of England," Thorpe's edition ; "Laws of King Edgar," No. 5, p. 113 ; also "Laws of King Knut," No. 18, p. 165.

ecclesiastical matters ; and many of the Senior Thanes or Barons—including ecclesiastical corporations who were possessed of manors—had Courts where their own men were brought to trial and impleaded ; in this case the Barons, who had the privilege, were said to have the rights of “soc” and “sac ;” “soc” meaning “libertas” or “privilegium,” and “sac,” “lis” or “causa ;” \* this liberty was one which was fearfully abused in Norman and later times, and was frequently usurped by those who were not entitled to the privilege, as the records of the “Placita de Quo Warranto” fully show.

The general aim of the Anglo-Saxon laws, as shown by the statutes, was mainly the security of person and property ; and they endeavoured to accomplish this in the following way :—Every man was bound to be “brought in borh,” that is, to find sureties for his good conduct, who were also witnesses in his favour if accused of crime ; in this event the accused person freed himself by the oaths of his sureties, who were hence called “compurgators ;” a free man was obliged to be a member of a *tigthing*, or association of ten men, the head of whom was entitled the “*tigthing man*,” or of a hundred, the chief of whom was similarly called the “*hundred man*.” These associations or “*Frith-Guilds*,” as they were termed, were instituted with the view aforesaid of securing the person and property of the members, of enforcing and aiding the payment of taxes, fines, and contributions, the observance of the laws, and of compelling the attendance at the various *Gemôts*, where “a true man” was bound to present himself ; but failing in which, he would, after being duly summoned, be declared without the pale of the law. The members of a man’s *Frith-Guild* had to mount and ride to search for and recover his property or cattle ; if stolen or strayed, they had to bring to justice any offender against his liberty or person, and they were frequently the “compurgators” by whose oath he freed himself when impleaded before the Courts. The *Frith-Guild* was the original form or type of those “*Guilds*,” or associations for social, religious, and

\* “*Liber Custumarum*,” A. S. Gloss, Rolls Edition.



trading purposes, which, having their rise in Anglo-Saxon England, spread, in later times, over every European state and nation.\*

To preserve a record of the transmission of property from hand to hand, the every-day transactions of life, such as buying, selling, and exchanging, even the slaughtering by a man of his own cattle,† were obliged to be done in the presence of the public witnesses, a certain number of whom were appointed in every burgh and hundred, lest the matter being called in question evidence of the transaction and ownership should be wanting.‡

Every transfer, also, of real property was made, for similar reasons, before the open Court.

Far back, in the obscurity of these nine centuries or so ago, we catch a glimpse of him who was the lawyer of that day, the depositary of the unwritten law, as well as the expounder of the written ordinances, the "Lahman," as he was called. In the ordinances respecting the Dunsetas, law No. 3 directs that "twelve lahmen shall explain the law to the Wealas and English, six English and six Wealas. Let them forfeit all they possess if they explain it wrongly; or clear themselves that they knew no better." The lahmen usually were twelve in number, and seem, from a note by Mr. Thorpe in his "Glossary of Anglo-Saxon Words" annexed to his edition of the "Laws and Institutes of England," *sub voce* Lahman, to have been identical with the twelve senior Thanes, Ealdormen, or Barons mentioned in "The Laws of King Ethelred III.," as having "socam et sacam super homines suos," that is—as has been said already—the right of holding Courts for the trial of their own men; these senior Thanes were also the judges in the Court of the Reeve or View of Frank-pledge.

\* Those who wish to pursue this subject further will find it fully treated in an essay, by Dr. Brentano, annexed to the edition of "The Statutes of the Early English Guilds," published by the Early English Text Society. See also the preface to the same work.

† "Laws and Institutes of England;" "Laws of King Ethelred," No. 9. See also "The Laws of King Edgar."

‡ "Laws and Institutes of England," p. 125.



In a book compiled 350 years later, by a Chamberlain of the City of London, entitled the "*Liber Custumarum*," in a passage where he is speaking of the origin and dignity of the title "Alderman," after stating that Aldermen, in the days of the Romans, were termed "Senators," the writer goes on to say that they, the aldermen, were not so styled on account of their age, but from their wisdom and dignity, "*Debent enim leges et libertates, et jura et pacem Regis, et justas consuetudines, et antiquas, &c., servare.*" \* . . .

The lawyers, as a body or class, are mentioned in the "*Institutes of Civil Polity*" as members of the Witan, and are there termed "*Lah-witan*."†

Allusion has already been made to the "compurgators," and it is, perhaps, a coincidence which should not be passed over without notice, that in the Latin version of the Laws of King Edmund, the Saxon word for compurgator is rendered by the Latin "*advocatus*," apparently pointing to something beyond the mere clearing the accused by an oath, namely, the utterance of a rhetorical defence, spoken, possibly, by the head man of the tithing, hundred, or frith-guild to which the defendant belonged. It might be thought to be going too far to say that in the compurgator we have the early type of the advocate or counsel of the present day, though the thing is not so unlikely as appears at first sight, and will merit discussion when the title "*advocatus*" is mentioned further on.

The pleader or counsel of these times was known by the title "*forespeca*," or "*forespreca*;" he is mentioned in the Secular Laws of King Edmund‡ (A.D. 940—946) in a passage of which Mr. Thorpe's translation runs as follows:—"First, according to 'folk-right,' the slayer shall give pledge to his '*forespeca*' and the '*forespeca*' to the kinsmen, that the slayer will make 'bot' to the kin." According to a foot-note by Mr. Thorpe, the person bearing the above title was the contour of the Norman

\* "*Liber Custumarum*," p. 635.

† "*Laws and Institutes of England*."

‡ *Ibid.*, p. 107.

law books, the advocatus rather than the attornatus\* (forwyrhta) of the Latin documents. In the Latin version of the Laws of King Edmund, before referred to, the "forespeca" is rendered prolocutor; in Mr. Bosworth's Anglo-Saxon Dictionary the word is given with a slightly different sense, namely "sponsor" or the person who answered for you or was responsible for you, but also with the meaning of "advocate;" hence it would appear the word was synonymous with "compurgator," in one of its meanings at all events. In the stricter sense of "sponsor" the word is apparently used in the before-mentioned Laws of King Edmund, No. 1, where a man who wishes to be betrothed to a woman is desired to give "wed" to those who are her "forespecas."

The laws of Edward the Confessor are usually declared to have been based upon the earlier collection of King Alfred, or rather, it would seem—and the opinion is one which has been considered the preferable in late years—upon those of his grandfather King Edgar;† however this may be, at any rate

\* In the laws of Edward, King of Wessex, about the year A.D. 920, is an enactment which apparently shows that the use of a "proxy" or "representative" to conduct your plaint was known and permitted amongst the Saxons; this, it will be found subsequently, was the original meaning of the word "attornatus;" it is as follows:—

*"Of peoples ranks and laws."*

"3. And if a thegn throve so that he served the king, and, on his summons, rode among his household; if he then had a thegn who him followed, who to the king's 'utware' five hides had, and in the king's hall served his lord, and thrice with his errand went to the king, he might then with his 'foreoath' his lord represent at various needs, and his plaint lawfully conduct, wheresoever he ought."

† "Laws and Institutes of England," Thorpe's edition, preface, p. v, note 1.

A suggestion is here offered of a different origin of the word "Riding" from that ordinarily given, which ascribes it to a mutilated form of the word "trything," and signified the third part of a county or shire. The word "trehyng" or "trything" seems to occur first in the laws of Edward the Confessor, No. 31. Now in the Saxon laws of the previous century mention is made in various places of ordinances, which regulated the course to be taken when a man failed to attend the "gemôt," or when stolen cattle and thieves were to be tracked, and which enjoined that the chief

they strongly mark another great effort to declare and render certain the law, and to improve the administration of justice.

For the text of these laws we are indebted to William the Conqueror, when, with an anxious desire to conciliate his new and but half-subdued people, the first of our Norman kings promised to observe the laws and customs of England, and summoned, through all the counties of Anglia, the nobles, the learned, and sages of the law, that he might hear their laws and customs; the Archbishop of York and the Bishop of London, by order of the King, afterwards wrote with their own hand everything that these men had upon oath declared; in this way, then, we have the code of laws that is attributed to Edward the Confessor.

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men of the burg, the tighing, or the hundred, and the Reeve should "ride to him" or them. See the laws of King Athelstane, No. 20, "Of him who fails to attend the gemôt," where it says, "And he who for the 'wites' will not desist, then let all the chief men of the 'burh' ride to him and take all that he has; and let the king take possession of half, the men who may be in the Riding (ridan)." Again in the Secular Laws of King Edgar, No. 7, "Let there be chosen from the gemôt those who shall ride to him, &c., . . . and if either a kinsman or a stranger refuse the riding (rade), &c." Similar provisions are made by the laws of King Knut, No. 25, in words almost precisely the same, and, besides the enactments mentioned above, there are a certain collection of statutes or ordinances printed amongst the "Laws and Institutes of England," Thorpe's edition, which were compiled for the regulation of a "Frith-guild," and ordained by the Bishops and Reeves belonging to London; the 5th section runs thus:—"That no search be abandoned, either to the north of the march or to the south, before every man who has a horse has ridden one riding (ane ride geriden); and that he who has not a horse work for the lord who rides or goes for him until he come home, or right shall have been previously obtained." The above note was written and then erased, but is now restored as a partial confirmation of the suggestion therein made, may be found in the "Domesday Book of Lincolnshire," edited by Mr. C. G. Smith, *vide* introduction, p. 18, note.

As then the riding is a division into which the large shires were subdivided, it does not seem to be an unreasonable inference to draw that a "riding" signifies the district within which the Reeve and mounted men were bound to ride in search of an outlaw, or thieves, or cattle stolen or strayed, and may be termed a police district.



During this reign considerable numbers of Normans settled in the country and probably introduced many customs of Norman origin ; at the same time it must not be forgotten that, in addition to their written laws, the Anglo-Saxons themselves had a large mass of unwritten laws and customs, besides a very complete system of tenures ; they had also manors, with manorial rights belonging to them, besides innumerable privileges obtained by special charter from the sovereign, who in some instances rewarded services rendered by a subject by bestowing on him privileges and liberties, specially the prerogative of the crown ; and in others, sold them to raise money to replenish the royal exchequer.

How extensive these liberties were, and how they were, from time to time, confirmed and added to by successive Kings of England, until the possessors of them were—saving the rights and liberties of the King himself—petty monarchs in their various manors, the curious in these matters may learn by perusing the “*Placita de Quo Warranto*,” of the reigns of Edward I., Edward II., and Edward III., and the records of a commission issued in the 2nd year of Edward I., to inquire, amongst other matters, into the title by which those who claimed these liberties became possessed of them ; and many were the charters, even then old, which were produced in confirmation of the liberties claimed ; some dating back to King Edgar, or Edward the Confessor, which had been inspected \* and confirmed by later sovereigns and additional liberties granted, but which still repeated, amidst the gross latinity of the times, the liberties of Saxon days, in their original Saxon tongue ; while in one notable instance, that of the Abbot of Westminster, for the benefit of the Norman lawyers these liberties and rights are rendered from the Saxon into their equivalents in Norman-French.†

The manorial proprietors were the persons in whose hands

\* Hence they were termed “*inspeximus*” charters, from the initial word of the deed of confirmation.

† See the case of the liberties of the Abbot of Westminster, “*Placita de Quo Warranto*,” p. 275, temp. Ed. I.



these liberties and rights were chiefly vested, and those were the nobility and the religious houses. Both during the Saxon times immediately preceding the Conquest, as well as in the reigns of our Norman and Plantagenet Princes, two great parties monopolized the power of the country, the two just mentioned, the nobility and clergy. To belong to either was to be on the high road to wealth and preferment ; both parties were tinged with an admiration for the path which was so productive of power to the other ; the bishop might be seen on the field of battle, or in Norman days the prior would retain a champion to enforce his rights in the ordeal by battle ; while from the other side would come the illustrious warrior, who, changing his casque for the cowl, would achieve distinction in the ranks of the clergy as a churchman, a politician, or a lawyer.

One source of power was to be found on the clerical side, which was almost utterly wanting amongst the lay nobility, and that was the ability to read and write ; the latter had not even the very rudiments of an education, as the term is received at the present day ; and so strongly was this distinction between cleric and layman marked out in early days, that even so late as the reign of Edward III., the terms "clergy" and "lay" were used with the respective meanings of "education" and "ignorance."

The clergy were then the source from whence emanated all that constituted the literary education of those days, and in the monasteries or the schools connected with them were trained most of the laymen—and they were but few—who had any acquaintance with the arts of reading and writing. "*Laicus presentibus clericis, nisi ipsis rogantibus, docere non audeat,*" is the 87th Canon of the Excerptions of Ecgbert, Archbishop of York, A.D. 750.

It has already been said that, by the Saxon laws, the bishops were assistant judges in the courts of the hundred and of the county, and by the laws of Edward the Confessor concerning those who had the power of sentencing the accused person to the ordeal of water or hot iron, it was enacted that "minister

episcopi," \* with his clerics, should sit in judgment with the king's justice and the men of the province who understood the laws, especially the unwritten portion of the common law (*legales homines*) ; *i. e.*, in the earliest times the twelve senior Thanes before mentioned, and in later the freeholders. Sentence having been pronounced, it was the duty of the King's Justice to see it carried into effect. In these laws the courts of the Barons, in which their own men were tried, are noticed, and the Barons are cautioned to conduct them so as not to incur the King's displeasure.

It has been seen, then, how the presence of the higher orders of the clergy in the courts was recognised and enjoined by the written laws ; and the attendance of the inferior clergy at these courts, as advocates and legal advisers, seems to date from a very early period, as by these same Excerptions of Ecgbert, priests are forbidden to present themselves in the secular courts, but are desired to stick to their own law † (the canon). That the attractions of the common law courts, and the power which their education thus placed in their hands, caused this rule to be persistently disregarded, is evident from many circumstances ; besides, in the 2nd year of King Henry III., episcopal censure is again directed against the appearance of priests as advocates "in foro seculari." ‡

The path to power, through the administration and practice of the law, became too sure and direct for its pursuit to be resisted by a body whose greed and grasping at worldly honours was notorious. Who so fit to expound the laws as those who assisted in making them ? Who so fit to declare what the law was as those whose education enabled them to read and discuss them ; and who so versed in legal subtleties and technicalities as those in whose hands, as ecclesiastical corporations, was vested so much of the landed property of

\* "Laws and Institutes of England," No. IX., Thorpe's edition. See also *ib.*, "Institutes of Civil Polity," No. 9.

† No. XVI.

‡ See the Ecclesiastical Constitutions of Richard Poor, Bishop of Salisbury, A.D. 1217, quoted in Dugdale's "Origines Juridicales," p. 21.

the kingdom? Who, besides being accustomed to their own ecclesiastical courts, which had cognizance of offences against the canon law, had, as manorial proprietors, the rights of holding courts over their own men; and who, at least subsequently to the Conquest, were incessantly engaged in litigation, either defending their titles to their estates, or to the infinite liberties and privileges annexed to those estates; and it is a significant fact, that until the creation of a specially educated profession of lawyers the clerics always conducted their own suits before the sheriffs, justices in eyre and the courts at Westminster, as will be shown as the subject in hand proceeds.

The argument from fitness, and the necessity of the case, is rendered weightier by a consideration of what the "clerici" consisted; and, again, the Excerptions of Ecgbert give the information, "*Duo igitur sunt genera clericorum; unum ecclesiasticorum sub episcopali regimine, alterum acephalorum, i.e., sine capite.*" These last were inferior to the sub-deacons, presbyters, and monks: being of the clergy they could claim "the benefit of the clergy," but did not live in a monastery, neither were they bound to celibacy; they were, in fact, the parish priests, who headed their flocks when they presented themselves at the gemots.\*

It should not then be a matter for surprise, but rather an anticipated consequence, that from the ranks of the parish priests should come both compurgators, and later still the advocates for the people before the courts. Where could a more worthy compurgator be met with than in one whose oath could not be disputed? And who would make a fitter advocate to gain the ear of the court, in which ecclesiastics presided, than a priest? Besides, too, the title of advocate, as will be subsequently shown, for long after retained its early special application to the clerics, being always in later times bestowed on the clerical lawyers, who formed the counsel in ecclesiastical courts long after its use had ceased, when speaking of the lawyers in the secular courts. Finally may be

\* Stubbs' "Documents illustrative of English History." Introductory Sketch, p. 8.



quoted a passage from Dugdale's "*Origines Juridicales*,"\* where he says, "It is believed by some that we had not many persons in this realm, other than of the clergy, who were learned in the laws before the Norman conquest;" and, he adds, "to this opinion I am the more inclined."

The Norman conquest, A.D. 1066, now brings its influence to bear upon the subject, and in estimating its effect upon the Anglo-Saxon common law it seems to be the better opinion, under more recent lights, that it was not of that sweeping character that was formerly imagined. The Norman barons, on taking possession of their newly acquired estates, probably found many liberties and customs with which they were already acquainted; and others which, though of Saxon origin, were seen to be too admirable sources of revenue to be given up; and some were possibly already of Norman origin, and introduced by Normans, who had settled in the country during the previous reign: so a spirit of conciliation towards the people, so freshly brought into subjection, was adopted; and the conqueror, in the 4th year of his reign, having made an attempt to suppress the old "common law" of England, relinquished his efforts at the prayers of the English community, and the laws of Edward the Confessor being committed to writing received the sanction of the sovereign.

It was found that the relation of lord and vassal was known to both the military systems of tenure of Anglo-Saxon and Norman; in other points, also, they were not so dissimilar that they would not dovetail somewhat one into the other. Nor were their customs and liberties so diverse that they could not be engrafted one on to the other; many instances of this multiplication of liberties may be met with in the old charters, which, originally granted prior to the Conquest, were afterwards confirmed with additions;† on the other hand, the power of devising land was greatly curtailed by the Normans; the Anglo-Saxon custom, that the land of an intestate should be

\* P. 23.

† See the case of the Abbot of Westminster, referred to sup. p. 9.



divided amongst all the sons, was changed for the Norman feudal law of primogeniture. These instances must suffice.

Subsequently to the introduction of the Norman tenures, no man (except in rare instances) was owner of the land he possessed, but simply held of the King as chief lord, or of some great noble to whom sub-infeudation was permitted. In all cases a "reditus" was due from the tenant to the superior lord, generally of military or some smaller service. Attached to the lands were the privileges and liberties before alluded to, having become so by royal charter, or, in course of time, by immemorial usage; these, of course, varied in number and extent. From the enormous possessions held by the great lords and religious houses, an authority over the tenants became thus centred in one noble, or a single religious house, little inferior to that of the King, over his tenants "in capite." Amongst the most cherished of these liberties, thus placed in the hands of a subject, was that right of holding "free court," which in Saxon times was termed the right of "soc" and "sac." In those times the power so conferred must have been great and open to grave abuse; but in the reigns subsequent to the Conquest, as feudalism progressed to its complete development, so, advancing with the times, the power of a great noble, in his own courts, over the manors to which these rights were annexed, equalled that of the Sheriff in the Court of the Hundred. As an example of these rights, liberties, and privileges, which have been so often here alluded to, the instance of the Abbot of Battle Abbey is given in Appendix I., *infra*, in which the Abbot has to defend his title to those claimed by him as annexed to his land and manors. These liberties were the grant chiefly of the Conqueror, who seems almost to have lacked the power of defining any limits to the bounds of his well-nigh superstitious munificence.\*

Another point of resemblance may be instanced between the constitutions of England and Normandy: in both the clergy were the lawyers; hence we find, soon after the Conquest,

\* See also the "Placita de Quo Warranto," *passim*, and the case of the Abbot of Westminster, already referred to.

that the highest legal offices in England were filled up by some of the most eminent members of the clerical body, and the lower ones by the inferior clergy. The remark of William of Malmsbury is well known, when, speaking of the state of things soon after the Conquest, he declares "*nullus clericus nisi causidicus*;" and Blackstone also, says—probably partially founding his observations on the above remark of William of Malmsbury, "The nation now consisted of the clergy, who were also the lawyers, the barons, the knights, the burghers, and lastly, the villeins."

The clergy, then, of English extraction, and the Norman Ecclesiastics, must, though at one on any question arising out of the Canon Law, have been continually at variance on all matters which had to be decided according to the common law; the former having their system, with a strong leaning to the old common law of England, and the latter having their predilections favouring the Norman system, with its feudal institutions and customs. It is evident, however, division in the Church could not be tolerated, even upon secular matters; for besides the natural feelings which would lead the two branches of the same church to coalesce, the English bishops the heads of monastic houses and monkish lawyers—whatever the parish priests may have done—would not show too obstinate a preference for a system which the King at heart, disliked, which the Norman clerical lawyers despised—being ignorant of what they contemned,—and which was only rescued from abolition by the paramount necessity of appeasing the nation, still sullenly seething after the storm which had just passed, and whose attachment to the common law of England was firm and devoted.

From this cause, it seems not improbable, arose the germs of that antagonism between the common law, as upheld by the laity, and, first of all, the Norman system introduced at the Conquest, and next the civil law, when that became the especial foster-child of the Church, in the reigns of Stephen and his successors; a war which finally brought about the ousting of clerical lawyers from the lay courts of law, and limited the

sphere of their practice to the courts more strictly termed ecclesiastical, namely, the Court of Chancery, the Court of Arches, the University Courts, and possibly the Exchequer.

On the other hand, the Conqueror, to conciliate the clergy, enacted as follows :—After stating that he had determined to amend the episcopal laws which had hitherto existed in the country, because they were not good, and not according to the precepts of the sacred canons, he proceeds,\* “*Propterea mando, et regia auctoritate precipio, ut nullus episcopus, vel archidiaconus de legibus episcopalibus amplius in hundred placita teneant, nec causam que ad regimen animarum pertinet ad iudicium secularum hominum adducant, &c*”; thus depriving the Hundred Court of all authority in matters arising out of the episcopal laws, but increasing the jurisdiction of the Ecclesiastical Courts.

Among other changes brought about by the Conquest may be noted the appointment of Justiciars, who were sent down to represent the King in the County Courts; also that the Anglo-Saxon Shire-Reeve or Sheriff was now become known by the Norman title of Viscount; and lastly, the establishment of the “*Aula Regia* ;” while, Norman ecclesiastics being judges of the superior courts, all proceedings therein were conducted in Norman-French.

This seems to be the proper place to say something on the subject of the new dignitary, henceforth known as the “Viscount” (*Vicecomes*) or “Sheriff.” It has been usual to consider the Viscount as the Norman representative of the Anglo-Saxon Shire-Reeve; but this office, while superseding the Saxon one, is essentially of Norman origin; † and though at first having a more limited jurisdiction, by the twelfth century the Viscount had authority over several counties, and was not unfrequently the King’s Chief Justice. This is worthy of further

\* “*Laws and Institutes of England*,” ed. by Thorpe, *Carta Wilhelmi*, No. IV.

† See the preface to the “*Rotuli Normannie*,” edited by Stapleton; also “*Reeves’ History of the English Law*,” by Finlaison, preface, p. lxxxv. n. 1.



consideration, as it appears to do much towards settling various discrepant assertions which are met with concerning the jurisdiction and court of the Viscount.

Blackstone, in his third edition, vol. iv., page 531, speaks of the Tourn of the Viscount as being the County Court; while in Reeves History of English Law the author says the Sheriff's Tourn was the Hundred Court; an assertion which is supported by many passages in the "Abbrevatio Placitorum."\* These apparently conflicting statements may, perhaps, be shown not to be contradictory, but reconcilable.

On reference to the edition of English Statutes by Mr. Pickering, in the 9th year of Henry III. (A.D. 1225), cap. xxxv., are found these words:—"Nor any Sheriff or his Bailiff shall keep his Turn in the Hundred." While again in the 51st Henry III., when enacting with respect to the duties of Sheriffs, it says, "And at their Turns that they make in their shires (lour Countees), &c." Again, the Year Book, 20th Edward I. (A.D. 1292), has the following:† Berwick (Justice) observes, "The Charter does not say, 'saving to me royal service;' if it said so, that would be something, as he would hold of you by Knight service; but it says only, 'saving royal service,' and this is to be understood of doing suit to the Sheriff's Tourn, and to the County Court, and to the Hundred Court." The error, then, seems to be in stating that the Tourn was the County Court, or was the Hundred Court, meaning the Courts usually understood by these titles; in truth, it was neither the one nor the other; the Sheriff held his Courts in the county or counties under his jurisdiction, sometimes for the county and at others for the hundred, making his tourn or "round," or "circuit," from place to place, and hence arose the title which gave its name to the court.‡

\* See "10 Richard I., page 13, *et passim*." Also Anglo-Saxon Glossary to that work, *sub voce* gemôt.

† P. 134.

‡ See also "Parliamentary Writs" of the 15th October, 1325. "The Grand Jury of the Wapentake of West Derby present, that Willielmus le Gentil, at the time when he was Sheriff, and when he held his Tourn



It will be necessary, by way of introduction to the next stage of the subject, to say a few words on the system of tenures brought in by the Normans, and which, though containing many points in common, was essentially a more military system than that of the Saxons. The tenure of land, by military service, was the very foundation of the feudal system of the Normans; and though much disliked by the English, owing to the more oppressive character of the services required, when compared with the great freedom permitted under Saxon institutions, it seems most probable that the necessity of providing for the defence of the kingdom hastened its adoption by the remnants of the Anglo-Saxon nobles and people. The transfer of land was now evidenced by a charter of feoffment, but the change of ownership had to be perfected by a ceremony termed livery of seisin, to be made, if possible, on the land itself which was the subject of the transfer, a separate livery being required for every county in which such land was situated; and this consisted in the delivery to, and acceptance by, the new tenant of a portion of the very soil or produce of the land itself. This was termed seisin in deed, and might be made by the representatives or attorneys of both parties. Being thus distinguished from seisin at law, which was not made on the land itself, but as near thereto as might be, in this case livery could only be between the principals. It should also be borne in mind, that one of the important changes which the introduction of feudalism brought with it, was, that all land was held of some superior, to whom the services of various natures were due from the tenant and so, either mediately or immediately of the King; very little of the

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in the said Wapentake, ought to have remained no longer in the said Wapentake than three nights with three or four horses, &c." Again, in the "*Abbrevatio Placitorum*," p. 296, col. 2, rot 70, occurs the following entry:—"Johannes Ashburnham miles quia impedivit vicecomitem *turnum* suum in rapo de Hastings, &c. . . committitur marescallo &c."

land was "allodial," *i. e.*, not held by services of such superior. Subinfeudation was allowed under restrictions, and as a result the Saxon nobility found their acquiescence in, and adhesion to the new system brought upon them services, burthens, exactions, and pecuniary fines, to which the old common law of England was a comparative stranger; and in their struggles to ease themselves from the bonds in which they were now enveloped the Saxon and Norman nobles seem to have joined, making united efforts, from time to time, to wrest from successive Sovereigns the right of demanding the most burdensome of these services and payments. In these efforts they were supported by the inferior nobility, tenants, and vassals, who in their turn held from the higher barons, by services still more severe and of a baser nature. How ultimately they were rewarded, by the Grant of Magna Carta, in the reign of King John, is perfectly well-known: but how vast was the tyranny of the system from which the Charter was so great a release to the people of this realm is not so generally understood; it, however, marks a victory of the old common law of England.

Amongst the legal changes to be noted, as showing the effect of the addition of a new body of lawyers, is the creation of new courts of law on a Norman model, and with Normans as judges; and the sending down the King's Justiciar, in this reign a noble and a soldier, who presided on his circuit in the County Court.

Thus roughly has been sketched the outline of those changes during the reign of our first Norman Sovereign, which were brought about by the conquest, so far as they bear upon, or were the first causes of, the coming alterations, which introduced laymen into the profession of the law and eventually accomplished the separation of the clerical from the legal calling. To a legal system, ere this, comparatively simple and competent to carry out and enforce laws, partly written and partly traditional, succeeds one infinitely, even in the times now under discussion, more subtle and technical, and suited to a higher state of mental culture; but, at the same time, chiefly benefiting the church and great nobles. It is to the greed

of the former, and their acquaintance with the intricacies of the law, may be attributed many of the subtleties that began to complicate the administration of the laws ; the monasteries, as has been already pointed out, had accumulated vast landed possessions, and as often as successive statutes of mortmain hampered their depredations, so often did the ingenuity of the clerical lawyers find a way to evade them ; while, by the help of the interpretations, which the lawyers put upon certain statutes, the nobility endeavoured to escape from the forfeitures, which would have been the result of their frequent revolts against their sovereigns.\*

William Rufus (A.D. 1087 to A.D. 1100), seems to have been able to carry into effect the hostility of the common law, which the Conqueror had intended to display, but had been obliged to dissemble ; and during this short reign the feudal system was further introduced, and its grasp on the nation tightened. Normans, both nobility and clergy, streamed into the country, transplanting with them those laws and customs, to the use of which they were habituated, adding many burthens to those already too severe, which the nation had to support, until they succeeded in arousing a determination to have the common law restored, so resolute and fierce, that in the following reign it could no longer be kept under by those frequent promises of restoration, which the Norman Kings made with infinite liberality, so long as it was possible to soothe the national irritability by fair words ; this had become too much inflamed, to be reduced by the customary fiction of compliance, when the successor of William Rufus came to the throne. The Justiciars of William, it should be noted, were lawyers and clerics.†

To Henry I. (A.D. 1100 to A.D. 1135), is usually attributed the first attempt to settle both judicature and the administration of justice in the country ;‡ and to further this, two most

\* See the Statute "De Donis," 13 Ed. I., c. 1.

† "Documents illustrative of English History," edited by Professor Stubbs, Introductory sketch, p. 16.

‡ "Reeves' History of English Law," edited by Finlaison, preface, p. lxxviii.



important alterations were made ; Judges were first sent on circuit, or judicial visitations, through the country in this reign, in imitation of the circuits of the Barons of the Exchequer, who made fiscal visitations to look after the Sheriffs and the revenue, these were termed Justices in Eyre, or itinere ;" \* the name of the County Court was changed to that of "Aula Regia" † with a Norman as Judge.

In Mr. Thorpe's opinion, the laws ascribed to this King are the work of a private compiler, who wrote for the benefit of his profession, and with the intention of collecting the laws and usages of England, as they existed under the Confessor ; but, mingled with these laws there seem to be others, probably interpolations, which in their origin are to be attributed to the Norman lawyers ; ‡ if this be so, the compilation marks the progress of the struggle between the two systems, and the restoration of much of the common law of England, but with a strong leaven of Norman laws ; it points to an increase of vigour in the arm of the law, and by minute details of proceedings in the Courts, shows the advances made by the technical system of the Normans ; and besides a gradual assimilation of what was best in the two. In this reign the organization of the Justiciar's administration was systematized by Roger, Bishop of Salisbury. The staff of the Justiciar were selected from the vassals of the Crown, and were formed into a court in attendance on the King, called the "Curia Regia," which when employed upon finance, was known as the Exchequer. The several members were entitled, in the Curia, Justices ; in the Exchequer, Barones or Barones Scaccarii.§

It must still be remembered that the chief lawyers in this reign, and for long after, were the clergy ; but an event was

\* See introductory sketches by Professor Stubbs, to his "Documents illustrative of English History," p. 18.

† *Ib.*, p. lxxi.

‡ "Laws and Institutes of England," Notes p. 268, col. 1.

§ See the introductory sketch by Professor Stubbs, to his "Documents, illustrative of English History," p. 17 ; and also "Dialogus de Scaccario," *Ib.*, pp. 167, 168.



about happening which was to create a division amongst the members of that body, and by turning the legal studies of the regular clergy into a different channel, tended more than any event of those times to the introduction of laymen into the profession ; and which, after causing a great advance in power, rank, and influence, to accrue to the clerical lawyers, who zealously pursued the new study, eventually was a chief cause of their being ousted from the common law courts, and their being prohibited from practicing in any but the ecclesiastical courts.

The event alluded to is the introduction in the reign of King Stephen (A.D. 1135 to A.D. 1154), of the "Civil Law,"\* which based, it is said, upon the Pandects of Justinian was introduced from Italy ; and being therefore especially favoured by the Roman Church, was studied and practised here by the English Clergy with great enthusiasm and persistence ; it was taught by them in their monasteries and schools, and also introduced into the University of Oxford, where the clerks were instructed in the new system by Vicarius.

Friar Bacon, who wrote about the middle of the next century upon the evil influence of the Civil Law, says of it,† "*omnino sua affinitate laicali clerum confundit indigne, cum non sit clericale officium talia jura exercere sed penitus laicale.*" He also alludes with satisfaction to the prohibition of instruction in these newly introduced laws, by an edict of King Stephen. The check thus placed on the enthusiasm displayed for the Civil Law, could only have been temporary, as it is evident there was no abatement when Bacon wrote ; the annals of the University of Oxford also show, that less than two centuries later than Stephen's reign, she, in imitation of the sister univer-

\* "The revived study of the Roman Law, although it never had the effect of Romanizing the English Common Law, had, as an instrument of education, a great bearing on the spread on orderly and equitable ideas of jurisprudence."—Professor Stubbs' "Documents illustrative of English History," p. 118.

† "Compendium Studii," Rolls' edition, p. 419 ; see also Appendix iii., *infra*, from which it may almost be inferred that the Degree of Master, *i.e.*, Dr. of Laws, was conferred in his day.

sities in Italy, and probably at Paris also, conferred degrees in the Civil Laws.

The influence which these laws had upon the then Anglo-Norman system was doubtless much in the direction of improvement, and suitable to the intellectual strides the nation was beginning to make ; yet, on the other hand, the old simplicity of the common law was fading, the Norman lawyers having made considerable inroads upon it ; while the clergy, as comprising the intellectual portion of the nation, quickly perceived in the subtleties and intricacies of the Civil Law a power which, needing cultivated minds to handle it with success, would in their hands restore the influence that, in legal matters, had been somewhat on the wane. The new law would require a specially educated body of advocates and casuists, skilled not merely in the law, but in the technicalities and forms of the practice of the Courts. The rewards and favours bestowed upon the civilians would alone have made the Civil Law the pursuit of laymen ; but there also followed upon its introduction into this country what Bacon terms "a rattle of litigation," which in truth became, in the next century and a half, something astounding. No one can read the old monkish chronicles of their houses without amazement at the almost ceaseless litigation in which the religious bodies were engaged : sometimes laying an avaricious hand on their neighbour's land and wealth, at others defending their own territory and their privileges against the encroachments of the military noble, or proving their title, occasionally even by forgery, before the King's Justices ; or, again, disputing and claiming rights of toll over bridges and ferries, rights of holding markets and fairs, of tythes, of asylum for criminals, and the presentation to ecclesiastical benefices ; out of all this grew much of our present legal system, an extensive catalogue of charters, deeds, and other legal instruments, and the Courts of Common Law ; lastly, also, the gradual development of a legal profession, not as will be shown hereafter, into the exact form it now bears, that being the result, in some degree, of the establishment of the Inns of Court ; but still not very dissimilar, and taken in a

great measure out of the hands of the clerics, divorced from its union with the Church, except in the courts already mentioned as strictly to be termed ecclesiastical, until it became essentially a calling filled by laymen.

During the reign of Henry II. (A.D. 1154 to 1189) the antagonism between the advocates of the common and civil laws grew in intensity; in the anarchy with which the preceding reign had ended, the administration of the law, through the visitations of the Justices, had fallen into disuse, but it was one of the earliest efforts made by the King towards the restoration of law and the administration of justice, that he renewed the circuits of the Justices of the Curia Regia and the Barons of his exchequer. The power of the feudal nobility had by this time reached to such a height as to render it almost beyond the ability of the arm of the law to get at them; while the arrogant pride of the clergy made them claim an exemption from the authority of a temporal sovereign. To deal with these two opponents was Henry's first object, and after a struggle of great severity, feudalism received its death blow; the intellectual clergy were harder to deal with than the nobility, but they at last received a check at the Parliament of Clarendon, held in the tenth year of this reign; after this it became possible to put in force the King's plan of administering even-handed justice, to noble, clergy, and nation alike; in this it is probable he received able assistance from his great Justiciar, Ranulf Glanville, the writer of the famous treatise on the Common Law.

The Sheriffs, as collectors of the King's revenue, were not to be trusted, so the King's Justices went down into the counties to look after the Sheriffs, and in some cases a Justice was himself the Sheriff over several counties.\* A singular piece of evidence of the venality of the Sheriffs comes to light in "Historia Monasterii de Abingdon,"† where the monkish chronicler mentions, as one of the occurrences that took place in this reign, that Abbot Ingulf paid 100 solidi per annum to the Sheriff of

\* *Vide supra*, p. 113.

† Rolls' edition, p. 230.



Berks, "ut abbatiae homines lenius tractaret, et eos in placitis et hundredis, si quid necesse haberent, adjuvaret."

Reforms in the legal administration of the country continued during the reign of Richard I. (A.D. 1189 to 1199), and were pressed forward in the direction pointed out by the changes in the last reign; but from the continued absence of Richard, on the Crusades, the legal government of the country was left in the hands of the Chief Justices, seven of whom, sometimes two in one year, held office under Richard I.; and it is also noticeable that five out of the seven were clerics of high rank. "The Statesmen, the Court, and the clerical lawyers were the bitterest enemies of the Monks," observes Mr. Riley, in his preface\* to the Memorials of the Reign of Richard I.; he also says,† "The lawyers set themselves to oust the Clergy from their secular occupations." The internal divisions amongst the clergy which these remarks shadow forth are not very distinct until the light of contemporary history is thrown upon them, and this is probably best done by the epitome given of this reign in the succinct language of Professor Stubbs;‡ by "Statesmen" should be understood both laymen and clerics, the latter, as has been shown, filling the high offices of Justices and Sheriffs; and to these should be added that of Chancellor. It fell to the duty of these officers to exact the enormous taxes, which under the name of "carucage" the King required for his foreign expedition and his ransom; the regular clergy opposed the payment of these by every means in their power, and were only "compelled by virtual outlawry" to contribute their assessment. The nobility were ever at variance with the churchmen, the man of war held in contempt the man of peace, yet found himself continually foiled and thwarted in an encounter where force could not be employed, since educated intellect and finesse was on the side of the clergy; every sentiment, too, of the barons would be enlisted on behalf of those who furnished the money to support the Crusades, and procure the freedom of Richard. Of the clerical lawyers sufficient has

\* Rolls' edition, p. xxxvi.

† *Ib.*, p. cxix.

‡ Documents illustrative of English History.

already been said to show that the bond which made them of the Clergy was but a slender one, that their habits were secular and their ties among the people. The regulars held to the new civil law, which was odious to the nation as being the rival of the old common law, and most probably aroused much antipathy from the mere fact of its being a foreign production ; the lower clerical lawyers would probably uphold the common law and side with the people.

A strong lay element was beginning to fill the ranks of the lawyers. Further instancing the legal progress of the age is a work of great importance and deep interest, entitled "Abbrevatio Placitorum," or, as the name may be rendered, "notes of cases" in the various King's courts, both provincial, at Westminster, also before the Justices in Eyre, and of appeals or transfers of pleas from one court to another ; they commence with the reign of Richard I., and end with the close of that of Edward II. These notes apparently were made by some clerk of the courts, and are written in the clerical latinity, which has justly obtained the name of "infima latinitas," and were probably rendered into that language for the benefit of both Norman and English lawyers, as the only tongue that would be understood by both ; Norman-French being at this time the language of the King's courts.

The Saxon terms seem to have been fearful stumblingblocks to these clerks, who also not unfrequently add a Latin termination to a Norman-French word, and use it in its various declensions, instead of the more customary word in classical Latinity.\* From the continual and ever increasing mention in this work of written instruments, such as agreements, releases, covenants, charters, chirographs, and so on ; with limitations to a man and "his heirs" or the "heirs of his body" we can see at once what enormous advances had been made in what would now be termed the conveyancer's branch of the profession from the days when land was transferred in open court, and chattels changed hands in the presence of witnesses.

\* As an instance, the word for war is rarely *bellum* but *guerra* and its declensions ; the word *gaol* is rendered *gayola*.

In the reign of Richard I., the "*Abbrevatio Placitorum*" shows the Hundred Court to have been in a state of great activity, the Viscount with the Bishop presided, with the "*legales homines*" from whom were chosen a jury to inquire into the facts of a case; this court appears to have had a mixed jurisdiction over both civil and ecclesiastical causes; in civil cases the Viscount was chief judge, making his tourn from court to court; in cases concerning the clergy, not arising out of the canon law, church property, and tithes, the Bishop sat as Chief Judge with the Viscount as his assistant; but when the King's Justiciar made his circuit, he was chief judge, and cases were frequently reserved from the Sheriff's court, "*usque ad adventum justiciariorum in partibus illis.*"\* Questions of fact were left to the jury of twelve men, to ascertain and report upon; after hearing which, judgment was passed by the court.

It will be remembered how strict the laws were which, from time to time, enforced personal attendance at the various *gemôts*; and also that "suit of court" was one of the duties rendered by tenants to their lords under the feudal system; frequent instances may be found in the "*Abbrevatio Placitorum*" of a privilege which was highly prized, namely, the right to appear before the Sheriff's court by a certain number of representatives, generally four. Soon after the Conquest, it was found that to exact personal attendance at the various courts became impracticable; many causes conducing to this, amongst which the most cogent were the increase in the number of the courts, the spread of litigation, the power of appeal from one court to another, and the frequent absences from home which the introduction of military tenures brought with them; besides the fact that many of the nobility until the reign of King John held estates both in England and Normandy, or in various counties in England; added to which were the perils of travelling in those days, when a suitor might be made a prisoner on his way to the court by his

\* "*Abbrevatio Placitorum*," p. 20, 9, Richard I., Norfolk and Surrey; p. 21. Warr, &c.



opponent; it therefore became customary in all pleas concerning land to obtain permission to appear by deputy at the court of the Sheriff, before the Justices, and at the King's courts. As has already been pointed out (*supra*), the Saxon laws permitted a man to appear before the courts by a "representative;" and it is very probable that the Normans, too, had a similar feudal custom, which also permitted a man to appoint another "to deliver seisin," or "to make distresses," or "to render homage," of which frequent examples may be found in the Patent Rolls;\* or it may be the privilege of appearing by representatives at the Sheriff's court, which was specially granted by charter, became extended where the Sheriff was Viscount over several counties; however, be this as it may, many memoranda of the appointments of these deputies occur in the earliest records of the "Abbrevatio Placitorum;" these were in all probability merely special appointments for the suit named; but a very interesting example of a general permission from King Henry II. to the Abbot of Abingdon, to appear before the Justices by deputy is earlier still; it is to be found in the "Historia Monasterii de Abingdon," p. 222, Rolls' edition, and runs as follows:—  
 "Henricus Dei gratia rex Angliæ et dux Normanniæ et Aquitaniæ, et comes Andegaviæ, justiciis suis, in quorum bailliis abbas de Abendoniam habet terras, salutem. Permitto quod abbas de Abendoniam mittat seneschallum suum, vel aliquem alium in loco suo, ad assisas vestras et ad placita. Et ideo præcipio quod recipiatis seneschallum suum, vel alium quem ad vos miserit loco suo. Teste Ricardo Britone, clerico, apud Wdestocam."

During the succeeding reign of Richard I., the form seems to have remained much the same, to judge from the frequent memoranda of these appointments, which are to be met with in the "Abbrevatio Placitorum," as for instance, "Johannes Mauduyt ponit loco suo Henricum Capellanum suum;"† or again, "Dies data est Johanni monacho posito loco Willelmi de

\* See the quotations from these Rolls, *infra*.

† "Abbrevatio Placitorum," p. 9, rot. 13, Norfolk.

Monti Cavasi."\* The use of this form appears to have been general, and though an important change, to be noticed presently, occurs in the reign of King John, this older form, when employed, remains the same until the statute of Merton (20 Henry III.), after which it more resembles a letter of attorney, which, as will be shown, required enrolment in the Court of Chancery.

These permissions to appear by deputy were, like other liberties and privileges, either given as the rewards for services rendered, or were paid for by a fine of money. Any one might be appointed as the representative of another, except the person so appointed was excommunicate at the time; sometimes a Prioress appears by a Prior, or a great noble by his seneschal,† or one or more of his knights; a Prior may be represented by a Monk, a wife by her husband, or if a widow by her son; the person appointed was simply stated to be "missum" or "positum," in the place of his principal; or it was noted that so and so "ponit loco suo," &c.; the object of the appointment being generally added, either "ad lucrandum vel perdendum" or "ad districtiones faciendas" and so on, though this is not an invariable rule. The appointment held good for the particular suit or occasion, or for the then circuit of the Justices or tourn of the Sheriff; also two or more persons might be deputed, one or more of whom were to act failing the others.

It is to be observed, on reading the records of the "Abbrevatio Placitorum," that a change in the mode of appointing a deputy takes place about the second year of the reign of King John (A.D. 1200), and this is the introduction of the title "attornatus" as applied to the person who is substituted in the place of another; here is an early instance,‡ "Et Johannes de Kirkebi Attornatus ejus venit et petiit utrum debent placitare versus eos;" at the same time the verb "attornare" and various tenses of it come into frequent use, and are employed in the

\* "Abbrevatio Placitorum," p. 8, rot. 13, Northampton.

† "Rotuli Literarum Patentium," p. 1.

‡ "Abbrevatio Placitorum," p. 27, col. 1, rot. 12.

forms of appointment of a substitute, instead of the word \* "ponere." The following instance is from a "Letter Patent" of the third year of King John:—"Rex, &c., Galfrido filio Petri, &c. Sciatis quod dilectus noster Hugo de Gornacus atornavit coram nobis loco suo ad lucrandum vel perdendum Odonem de Braigmisto et Willelmum de Bolencumbo milites suos vel alterum eorum, &c. Teste me ipso," &c.†

The introduction of the words "attornatus" and "attornare" seems to point to this as the proper place to examine the meaning and derivation of both, and to ascertain what was the cause of the change which brought into common use the term that in later times gave the title to that branch of the legal profession who are called attornies.

First as to the term "attornatus." There is not much reason to doubt that the meaning usually given to this word, namely, a person put in the place of another, *i. e.*, as "deputy" or "substitute," is the correct one, and the following examples may be quoted in support of it:—In the "Abbrevatio Placitorum" for the reign of Edward I.‡ is found the expression, "Fulco de Vallibus, attornatus," to which is added, as if the meaning of the word "attornatus" might then be not understood, the explanation "sive vices gerens;" again in the "Placita de Quo Warranto"§ for the same reign the entry is met with "Et magister per attornatum positum loco suo per breve Domini Regis venit et profert." It is usual, however, to go further than this, and to assert that "attornatus" is derived from the word "tourn," "torn," or "turn," being the person placed in the turn of another; this derivation was no means satisfactory to Du Cange, who says,|| "Ego vero potius sensuerim a Turnis vicecomitum, id est placitis et assisis vocem effectam, quia ad Turnum seu ad placitum citabantur rei, et in jus vocabantur."

\* See also "Abbrevatio Placitorum," p. 25, rot. 20, col. 2, Devonshire.

† "Rotuli Literarum Patentium," 3rd year of King John, p. 1.

‡ Page 232, col. 1, rot. 33.

§ Page 586, Northumberland. See also *ib.*, p. 588.

|| Gloss, *sub voce* attornator.



To the first of these suggested derivations it can be objected that this is the meaning of the word and not its derivation, and that appointments of attorney generally run when Latinized "ponit loco suo," and not "ponit vice sua."

Of the origin of the word, which seems much more naturally to have been the past participle of the verb "attornare," the following history and explanation is offered :—

It has already been mentioned that when the word *attornatus* comes into use about the 2nd year of King John, the verb *attornare* appears at the same time, and it may be added the word *attornatio* likewise. *Attornare* seems to have been applied in reference to a considerable variety of subjects ; here is an early example about the third year of King John,\* "*Johannes Dei gratia, &c. Omnibus Ballivis suis Normanniæ, &c. Sciatis quod atornavimus Durandum de Pinu ad districtiones faciendas,*" &c. There *attornare* must mean "to assign or to appoint," which is also the translation of the word when used with reference to the appointment of a deputy. Again, in a Letter Patent of the 8th year of the same King occurs the following :†—"Et ad hoc faciendum attornari facias quatuor legales homines in quolibet burgo," here the meaning is to be appointed or to be assigned. The word is also found to bear a similar meaning when used in reference to those customs, rents, and services which were attached to the feudal tenures of those days: the assent of the person rendering these rents and services to any transfer of them by the assignment of his lord of the lands, in respect of which they were due to another person, was termed his *attornatio* or *attornment*. The following instance is from the 9th year of King John;‡ the King writes:—"Mandamus vobis quod faciatis habere dilecto et fideli nostro Willelmo de Cantimerula (?) consuetudines, &c., quas eidem Willelmo attornavimus pro feodo suo," &c. A

\* "*Rotuli Literarum Patentium,*" A.D. 1201.

† *Ibid.*, p. 47, col. 2. See also p. 44, col. 2.

‡ *Ibid.*, p. 72, col. 2. The expression "*attornare servitium*" occurs "*Abbrevatio Placitorum,*" p. 88, rot. 1. See also *ib.*, p. 34, rot. 17.

partition of certain lands having been made in the Curia Regis, before his Justices of the Bench, between Savary Count of Winton and Simon Count of Leicester; the former came and showed to the Justices that the service of two Knights, which had been adjudged to him, in respect of the lands apportioned to him, was in arrear; he also said that William de Tureville "*ei attornatus fuit de prædicto servicio duorum militum.*" William was summoned, and came and answered that on the partition "*ipse attornatus fuit*" to Count Simon, whose lands were seized into the hands of his lord the King.\* These quotations shall conclude with one which shows that "*attornare*" was also used in reference to the appointment or designation of an attorney.† "*Radulphus de Planaz optulit se, &c., versu Galfredum Page de placito quare cum attornasset eum loco suo ad lucrandum vel perdendum coram justiciarios in banco,*" &c.

That also there was a Norman-French verb "*attourner*," which meant "*to assign*" or "*to appoint*," is evident from Pickering's statutes; see the 51 Henry III., where occurs the expression "*et le Roi attournera,*" which Mr. Pickering translates "*and the King shall assign.*" The gradual progression of the change from the old form, by which a man was said to be "*positus in loco*" of his principal, then "*attornatus loco*," and lastly, simply "*attornatus*," which it has been attempted to trace by the several extracts given above, seems to have been something as follows:—

The earliest forms in which the permission to appoint a deputy was granted ran simply, "*ponere loco suo*," and was so entered upon the rolls of the court; when, however, the feudal system was completely introduced, which did not happen until some time after the Conquest, and new courts were established, in which the Norman-French language was used, the older courts retained the Anglo-Saxon tongue as more intelligible;

\* "*Abbrevatio Placitorum*," p. 88, col. 2, rot. 1.

† *Ibid.*, 143, col. 1, rot. 13, "*Placita Coram Concilio Domini Regis*," 38 Henry III.

the permission to appear by deputy was extended to the Courts of the Justices and the King's Courts, Latin being the common language in which the permission was granted ; the feudal custom of allowing seisin to be delivered by deputy, as also making distresses or rendering homage would be familiar to the Norman Clerks of the Court, and they would render the Norman-French word "attourner" into Latin by the word *attornare*, as we find the expression used in the quotation from the Letters Patent of the third year of King John, given above ; the other quotations show that "attourner" and "attornare" have the same signification, viz., "to assign." When a permission to appear by deputy before the King's Courts had to be entered on the rolls of the court, the clerk would naturally use the customary word "*attornare*," and hence arose that mixing of the two forms, examples of which are given above from the "*Abbrevatio Placitorum*" of the reign of Henry III., and also from the "*Placita de Quo Warranto*," p. 586. Such were the gradual changes which these entries on the rolls show, must have also been taking place in the phraseology of the courts themselves, until at last the phrase appointing an attorney became "*attornatus est* ;" and finally, as a substantive the word "*attornatus*," which from thenceforward was the distinctive title of the deputy or representative, who when spoken of in Norman-French was styled "atturue" or "attourne," and of this instances are very numerous.

It is usually attributed, as one of the effects of the great charter of King John, that by enacting that the Common Pleas should no longer follow the King's court, wherever that happened to be from time to time, but should be permanently held and fixed at Westminster, the lawyers were attracted in numbers to settle in Westminster, and thus laid the foundation of a legal profession ; but so far as regards the attornies, as yet the business of an attorney was not become the profession of any body of men ; that attornies should come to the Court of Common Pleas was a natural result of the place where it was held becoming permanent, but they were still only representatives for the time their appointment lasted ; general attornies



were not known for some years to come, and a defendant could not yet appear by deputy.\*

It should also be borne in mind that in the reign of King John the language of legal instruments commenced to change; hitherto they were written in Anglo-Saxon or Latin; but from

\*“The precise effect of the enactment of Magna Carta that Common pleas should be held ‘in aliquo certo loco,’ is not clearly stated in the text-books: in the first place, it is not the fact that a new Court of Common Pleas was created, but simply that such pleas were no longer to be heard in the King’s bench, where hitherto they had been held, and which both then and subsequently followed the King’s Court. Now there are several cases in the ‘*Abbrevatio Placitorum*,’ which show that attempts were made to override this enactment of Magna Carta; for instance, at p. 239 there is a statement to the following effect:—It was told the aforesaid Nicholas that he should bring his action before the justices of the bench, because, ‘common pleas’ by the great charter of the liberties of England ought not to follow the King’s Bench.” Also note the case, at p. 222, col. 1, rot. 41 (Essex); and the same case on a further hearing at p. 283, col. 1, rot. 41, in which latter report are the following words (the defendant pleads that his is a common plea and could not be heard *Coram Domino Rege*):—“*quia hoc esset contra formam Magne Carte in qua continetur quod communia placita teneantur, in loco certo hoc est in Banco*,” &c. Further instances may be found in the “*Abbrevatio Placitorum*.” By the term “the bench,” is meant the Exchequer (see *infra*, p. 135 and note §), or, more strictly speaking, that side of it in which the judges were termed “justices,” in distinction to the “Barones,” who presided on the revenue side. This distinction existed long before the reign of King John (see the *Dialogus de Scaccario*, referred to p. 118, *infra*). When the Great Charter was granted there is no evidence that a new court of Common Pleas was made, but these pleas were heard at Westminster by the justices of the Bench, and this side of the court no longer followed the King. The Parliamentary Writs show that both the King’s Bench and Exchequer (revenue side) still followed the King, and that it was not until the reign of Edward II., by an ordinance dated the 26th August, 1309, the king and his council appointed six justices of the Common Bench; the reason for this measure is also given, namely, “because of the increase of suits rendering two places necessary for the despatch of business.” From thenceforward the various appointments of Judges to the Exchequer, King’s Bench, and Common Bench are clearly distinguishable. Each court has its separate staff of judges. This, it is apprehended, is the first creation of a separate Court of Common Pleas.

henceforward Norman-French came into use with Latin.\* According to Professor Stubbs,† Henry II. reduced the number of the members of the Curia Regia to five, but created at the same time the "Concilium Domini Regis" as the highest Court of Appeal; from this limited tribunal of the Curia Regia, the Court of Common Pleas was separated in the reign of King John, as above mentioned.

At the commencement of the reign of Henry III. (A.D. 1216 to A.D. 1272) we reach the period when the antagonism between the supporters of the common and civil laws may be said to have attained its highest pitch; the clergy were the ardent students of the latter, and cultivated the reading of it in the University of Oxford, which in imitation of the foreign universities, conferred the degree of Master, that is, Doctor in Civil Law. The clergy, [deserting their order, entered into this new profession as one of the most sure roads to power and promotion.‡ An effort was made by one bishop at least to check the legal tastes of his clergy, and in the 2nd year of Henry III., ecclesiastics were forbidden by the Bishop of Salisbury§ to appear "in foro seculari." Speaking of this reign, Professor Morley says,|| "The strength of the pure clergy was gone out of the Church; rank and power came by the use of the law, and the clergy were embroiled in questions of canonists and jurists," &c. This is but the echo of Friar Bacon's lament at the degradation of the Church by the nobility and clergy confining their liberality to the jurists rather than the theologicians. "Would to God," he cries, "that I could see the quibbles and frauds of the jurists banished from the Church,

\* Davidson's "Conveyancing," Introduction, p. 4.

† "Documents illustrative of English History," Introductory Sketch, p. 23.

‡ Roger Bacon's "Opus Tertium," p. 419, Rolls' Edition.

§ See the Ecclesiastical Constitution of Richard Poor, Bishop of Salisbury, quoted in Dugdale's "Origines Juridicales," p. 21. "Nec advocati sint clerici vel sacerdotes in foro sæculari, nisi vel proprias causas; vel miserabilium personarum prosequantur."

|| "Writers before Chaucer," p. 691.

and causes decided as they were forty years back, without all this rattle of litigation ;” and finally he adds, “Peace is driven from the earth, justice is denied, and evils of all kinds ensue.” \*

The statute of Merton, 20th Henry III. (A.D. 1235), cap. x., enacts as follows:—“That every freeman which oweth suit to the County, Tything, Hundred, and Wapentake, or to the court of his lord, may freely make his attorney to do those suits for him.” This declaration probably put into the written law of the land what had been the custom for some time previous, and was one of the efforts made in this reign to settle both judicature and the administration of justice.

The facilities permitted for the appointment of attorneys must have greatly increased the number of cases in which they were employed, while the progress of the law, the extent of litigation, and the multiplication of technicalities were such as to render it necessary that the representative, as your attorney, must be possessed of considerable knowledge of law, pleading, and the practice of the courts; though it is not improbable that in the more complicated cases the services of a pleader would be retained.

In the 5th year of Henry III. † an *Iter* was held at the Tower of London, before Hubert de Burgh and his associates, on which occasion the citizens of London, who had courts and privileges of their own, ‡ were questioned as to their mode of admitting attorneys to their ancient city court, called the ‘Hustings,’ and answered as follows:—“It should be known, that if any foreigner § dwelling without the city holds lands

\* Roger Bacon’s “Opus Tertium,” p. 84. Rolls’ edition, translation taken from the preface, by J. S. Brewer, p. xviii. See the whole passage given *infra*, Appendix iv.

† “Liber Albus,” Bk. i, part ii.

‡ The rights of “soc” and “sac,” which formerly were amongst the privileges of the nobles or barons, were now also granted by charter to the burghers of the large towns. The earliest precedent of this seems to have been in the reign of John; these liberties included immunity from all jurisdiction, except that of the King’s Justices. See “Documents illustrative of English History.” Introductory Sketch, by Professor Stubbs. p. 42.

§ That is, a person not a citizen.



within the city, and is impleaded as to his tenement by writ of his lordship the King, he may rightfully appoint his attorney by writ of his lordship the King, and he shall be admitted." The object of the question and answer was probably this:—you have the right of holding your own court for the trial of pleas respecting land, the property of your citizens, lying within the city; and in such cases you claim the right for your citizens to appoint their own attornies, by writ issuing out of your own court of the "Hustings;" but if a foreigner dwelling without the city (if dwelling within the city he would, in course of time, acquire all the rights of a citizen) holds lands within the city, and is impleaded as to his tenement by writ of his lordship the King, will you in this case admit to your court an attorney appointed by writ of his lord the King? the answer says "he shall be admitted," and so the King's prerogative is preserved. It is not unlikely fines were due on obtaining the writ appointing an attorney, in the one case to the Hustings, in the other to the King's Exchequer.

It is to be observed how much more formal a matter the appointment of an attorney became after the statute of Merton; attornies, when appointed, could be punished when failing in the due execution of the duties for which they were deputed. For instance, the following case occurred before the "Concilium Domini Regis," in the 38 Henry III.:—"Radulphus de Planaz optulit, se, &c., versus Galfredum Page de placito quare cum atturnasset eum loco suo ad lucrandum vel perpendum (*sic*) coram justiciarios in banco per breve Domini Regis, &c. predictusque Galfredus ultimo die litis fradulenter subtraxit se ita quod dies illa preteriit (?) et adversarius ejus judicialiter recessit. Et ipse non venit, &c. Et vicecomes mandatus quod mandatum fuit ballivo libertatis episcopi Sari qui nichil inde fecit. Ideo vicecomes non omittat quin capiet eum," &c.\*

The following passage is noteworthy, as showing that the King's Chancellor had now to do with granting permission to appear by attorney before the King's courts; the Cancellarius Domini Regis was generally an ecclesiastic and a bishop, and

\* "Abbrevatio Placitorum," p. 143, col. 1, rot. 13.

was so styled to distinguish him from the Cancellarius Scaccarii ; he was also the custodian of the Great Seal, a member of the "Curia Regis," and later of the "Concilium Domini Regis."\* "Magister Willelmus de Kylkeny Cancellarius Domini Regis venit et testatur quod W. Wygornis Episcopus ponit loco suo Nicholaum de Ralert vel Stephanum de Perham vel Willelmum de Cestertone versus Willelmum de Bello Campo, de placito libertatis." † From henceforward frequent mention is made in the "Abbrevatio Placitorum" of searches amongst the rolls of the Chancery for memoranda of such appointments ; as letters of attorney appear to be now issued *per cancellariam*, in which also charters began to be enrolled ‡ about this time.

These and other circumstances point to an alteration in the constitution of the Exchequer, and the "Liber de Antiquis legibus" § says that towards the close of the reign of Henry III., that is in the year 1265, the King's Exchequer was transferred from Westminster to St. Paul's, and hence Pleas in the bench were held in the court of the Bishop of London. This change was only a temporary one, probably caused by the rebellion of Simon de Montfort and the Barons, as in the next reign the Exchequer and Court of Common Pleas are back at Westminster ; but the issue of letters of attorney remained in the hands of the Chancellor of the King. ||

Before going on to the reign of Edward I., when so marked an advance beyond the reforms of his predecessors was carried out by that King, it is intended to make a short digression,

\* See "Dialogus de Scaccario" given in Stubbs' Work, quoted *sup.*

† "Abbrevatio Placitorum," p. 133, col. 2, rot. 15, in dorso, 35 Henry III.

‡ *Ibid.* pp. 188, 189, rot. 20.

§ P. 84. The passage runs as follows :—"Circa idem tempus scaccarium Domini Regis translatum est a Westmonasterio usque ad Sanctum Paulum, ita quod placita de Banco, quæ solebant deduci apud Westmonasterium, deducta fuerunt in aula Episcopi Londoniarum ; scaccarium vero impositum in camera dicti Episcopi."

|| See "Placita de Quo Warranto," p. 834, and the statutes 27, Ed. I, No. 2, A.D. 1299, Pickering's edition.

with the object of saying a few words upon that body of men, who, under the title of "advocates," have been from the earliest times a part of the legal profession. In the review previously taken of the Saxon laws it was noticed that there were certain persons, who under the title "forespecas," gave pledge on behalf of an accused, were in fact his sponsors; Mr. Thorpe says the Latin equivalent is "advocatus;" it seems clear that the "forespecas" were the same as the "compurgators," since the duties were similar, as it was by the oaths of his "compurgators" that a man cleared himself from the accusation brought against him. In the Latin version of the Anglo-Saxon Laws of King Edmund is the singular coincidence already referred to, namely, that "compurgators" are there rendered "advocati." This fact is also noticed in the work "*Leges Angliæ*," *temp.* Henry I., cap. xxxi., where it mentions that compurgators named by the defendant were called advocates. Compurgators, it should be recollected, were generally the members of a man's Frith-guild. The natural inference then seems to be that on taking the oath, the compurgator—or more probably the senior one—made an address to the *gemôt* on behalf of his client; it is further evidence in proof of this, when we find from the statutes of the early English guilds, which brotherhoods had their earliest origin in the "Frith-guilds" of the Anglo-Saxons, that the members supported any of the guild who had to go to law (if they considered his cause just) both with money from the funds of the Guild and with legal advice; the head man of the brotherhood would also act as an advocate on behalf of the member involved in legal proceedings.\*

The Parish Priest, on heading his flock to the *gemôt*, would be a compurgator on behalf of any of them put on his trial, and also his advocate, as the sacred character of his office would add weight to his oath, and his education render him the most able advocate; indeed, the title advocate appears ever to have been most frequently associated with the clergy and the clerical

\* "*Statutes of the Early English Guilds*," issued by the Early English Text Society.



lawyers of these early days of our legal history; with the gradual withdrawal of the clerics from the secular courts, the term seems to have disappeared, except in those courts where they maintained a right to practice: the title is seldom met with in the "Rotulus Scaccarii Normanniæ," the "Abbrevatio Placitorum," or the "Placita de Quo Warranto:" in the first-named work is the entry\* A.D. 1153), "Servienti advocati de Bettuna ad equum emendum lx. so. per Brevem Regis;" and again "Eidem advocato de Bettuna xxx. marcas argenti emptas, &c., per Brevem Regis.

Ecclesiastics were, as has been before mentioned, forbidden by the constitutions of Richard Poor to appear "in foro sæculari;" however much this injunction may have affected the priests, there is little doubt the irregular clergy paid small heed to it for some time to come. In the "Abbrevatio Placitorum"—about the latter half of the reign of Edward I., is noted a case affording an instance of one of the common legal tricks of the clerical lawyers, namely to get a case brought up for hearing in an ecclesiastical court before a bishop instead of one of the King's Courts.

Magister Willelmus de Helmswell and Magister Johannes de Maldone (both clerics) were arrested on the complaint of one Willelmus de Welleby, to answer why, when an action of trespass had been brought against him in the King's Court, the two former had conspired and caused him to be summoned to answer for the trespass before the Bishop of Lincoln. Master John says that he is "Communis Advocatus, et pro suo dando stetit cum predicto magistro Willelmo versus ipsum Willelmum de Welleby." Master William makes his excuse, but is fined "et Magister Johannes quietus quod est communis advocatus."

The universities being then in the hands of the clergy, advocates during the fourteenth century had flourishing times of it, at least at Oxford. The "Munimenta Academica" † inform us that the University Courts, at Oxford, consisted of the

\* *Ibid.*, p. 57.

† Edited by Anstey.

Chancellor's Court, with deputy judges appointed for various parishes; the Proctors were assessors in the Chancellor's Court, while in the courts of the deputies the judges were Bachelors of the faculties of the civil and canon laws; appeal might be made from an inferior to the higher court.

The advocates, who practised in all the courts, were a very numerous body, and are accused of being much given to protracting the causes; when a clerk, as the students were termed, appeared on a summons before any of the courts, he came with his advocate.

In "The Vision of William concerning Piers the Plowman,"\* where the various iniquities of both clergy and lawyers are exposed and satirized, the former are held up to reprobation for neglect of their flocks, for engaging in other pursuits foreign to their cloth, and for their mode of life; the latter for their greed and for taking bribes. The writer says,†—

"Bischopes and Bachelers, bothe Maistres and Doctours,  
That have cure under criste and crounyge in token,  
And signe that they sholden shryven here paroschienes,  
Prechen and pray for hem and the poor fede,  
Liggen in London in Lenten, an elles.  
Somme seruen the king and his siluer tellen,  
In checker and in chancerye chalengen his dettes."

And again, when enumerating the various classes, he saw in his vision, assembled at Mede's (Bribery's) bridal, amongst the collection of rascaldom he mentions ‡ —

"Forgoers and vitailleurs and 'vokates of the arches.  
I can nought rekene the route that ran about Mede."

These lines then give evidence of the names of some of the various courts in which the clerical lawyers were at that time, *i.e.* in the fourteenth century, permitted to practice, as being considered more or less ecclesiastical courts, and with the excep-

\* About A.D. 1362—1380. Crowley MS.

† Prologue lines, 87—93.

‡ Passus II., line 60.

tion of the first named, presided over by clerical judges ; they were the Court of Exchequer, the Court of Chancery, and the Court of Arches, to which may be added, from other sources of information, the Courts of the Universities, and those of the High Ecclesiastical Dignitaries.

Next of Apprentices. According to the definition usually given, apprentices were barristers of less than sixteen years' standing, and under the degree of serjeant ; it is very probable they were admitted by the judges to attend the Courts, and also were allowed to go on circuit, thus learning their profession. The title is seldom met with, but there is little doubt they had some degree of practice, and had certain appointments open to them ; the Recordship of London was one of these, and was "of usage," filled by one of the most skilful and virtuous apprentices-at-law in the whole kingdom.\* Some slight evidence is to be met with to encourage the idea that the apprentices-at-law may after a time have been eligible for the rank of "common countor," as distinguished from that of "serjeant countor ;" this will be mentioned afterwards when countors are discussed.†

But to return. On entering the reign of Edward I. (A.D. 1272-1307) the writer, on a subject like the present, finds himself somewhat suddenly, as it were, placed on *terra firma* ; now the hitherto loose threads of legal history gather themselves together under our English Justinian ; and materials can be met with in much greater abundance for settling into something like order, the various denominations which began to crystallize, so to speak, round their several centres, and to form their different orders or ranks of a legal profession.

Having got rid in a great measure of the clerical element, except in the courts before mentioned, the profession seems to have grouped itself under the main heads of attornies, apprentices, countors, and serjeants ; and though other titles may be met with, such as essoiners, relatores, pleadours, and narra-tores, the three last named are, as it is intended to show, most

\* "Liber Albus," cap. xv.

† *Infra*, p. 147.



probably but different titles for some of the persons mentioned under the main heads given above.

This was essentially the reign when the lawyers made themselves of note as an estate in the realm. The King's advisers were rather lawyers than clerics ;\* while the legal mind of the sovereign also led him to foster the new profession, for such it must now be held to be ; the legal language had come to be Norman-French, the statutes and the reports of the Year-books are written in that tongue ; though it is to be noticed, as a somewhat singular exception, that the records of the " Placita de Quo Warranto," are in Latin.† An impetus was given to the progress of the profession by the circumstance that the titles of the landed proprietors throughout the country were about being put to the proof in a way that must have given extensive employment to, and enhanced the importance of the lawyers.

On the return of Edward I. from the Holy Land he found that advantage had been taken of the disorganization which existed during the latter portion of the reign of Henry III., and his own absence from the country at the time of the death of his predecessor, to develop a course of spoliation by violence and fraud, which must have required a sovereign gifted with a mind capable of dealing with iniquities which had attained so vast a head, besides an arm strong enough to enforce observance of the laws which had been systematically violated. The strong had robbed the weak of their possessions, or despoiled them of their lands by the more subtle force of forged charters and grants, and in this species of fraud Churchmen were conspicuous ; manorial proprietors assumed to themselves in right of their manors, liberties and privileges, in addition to those they already possessed, whereby not only was the King's prerogative invaded, but great inroads were made on the lives, liberties, and purses of his subjects. In the second year of his reign, therefore, Edward appointed a special Commission of his Justices to

\* " Documents illustrative of English History," edited by Professor Stubbs, p. 417.

† See also note \* p. 141 *infra*.

make their circuits through the country, and inquire "quo warranto" lands, liberties, and privileges were held; with the commission travelled a Bar of King's serjeants, or King's attornies, serjeants, pleaders, and a large body of attornies; of these last, however, it is probable some only went on the circuit to certain places, while others were appointed for a special case in question.

The results of this commission, and others which were subsequently appointed both in this and the reigns of Edward II. and Edward III., are given in certain records termed "Placita de Quo Warranto," from which much interesting information may be gathered concerning the various modes of administering justice, the courts, the manorial and other landed proprietors, their vast territories, amounting in many instances to a good-sized county, the liberties and privileges so often alluded to, the forms of conveyance, the practice and jurisdiction of the courts, and lastly, the various ranks of the legal practitioners.

With regard to these last it may be observed, as one of the sign-posts of the progress of the profession, that in the records of the cases it is not unusual to find mentioned the names of the attornies engaged in them; and this custom, which is only occasional during the reign of Edward I., becomes almost invariable by the time the records of the commissions of Edward III. are reached. Hence it is possible by a comparison of the various names, to ascertain who amongst the attornies of six centuries ago were of repute and eminence in their profession. In the reign of Edward I., Robert de Makeworth and John de Shirwood seem to have been in great request during the circuit of the King's commission in the county of Derby; but even these names are thrown into the shade by the apparent repute of Thomas de Tockeswyk, John de Bledelow, and William Ganet, who appear as attornies over and over again on behalf of the most important interests. Thomas de Tockeswith—for so the name was sometimes written—is entered as the attorney for "Sarra qui fuit uxor H. Spigornel." \* Now the

\* "Placita de Quo," p. 37.

H. Spigornel here mentioned was in all probability the great pleader whose name occurs so frequently in the Year-books, and who was a Justice of the Common Pleas in 1305, 1308, and 1313. If this be so, the fact bears witness to the eminence of Thomas de Tockeswith.

There is, then, a considerable amount of evidence that at this time a branch of the legal profession had been developed, styled attornies, who no longer held the title as the temporary "substitute" or "representative" of a man, whether in matters purely legal or otherwise; and further, that the branch numbered among them men of learning and eminence.

In the thirteenth year of Edward I. (A.D. 1285) was passed a statute enabling both plaintiff and defendant to appear by an attorney, and also permitting the appointment of a general attorney, *i.e.*, for all suits—an enactment which would do more to develop a specially educated legal body of attornies than the provisions of Magna Carta.

There is little testimony to be met with bearing upon the question, whether attorneys were permitted to plead in all the Courts; but it seems unreasonable to infer, that in an age when every profession and calling had its grades, and every grade its special privileges, increasing in number and value with each ascending grade, the legal profession of all others should be apparently less given to jealous restriction of the privileges of a lower branch, or less jealous in grasping at every possible increase of those privileges than the members of any other body; such an assumption is not merely unwarranted by every analogy, but accredits the lawyers with a reputation for a lack of perception as to the advancement of their own interests, one branch over another, with which there is ample evidence to show they could not be charged in their dealings with the world outside the profession. It is not, then, improbable that in some of the superior Courts at Westminster they and the junior branches of the Bar were restrained from pleading; but on circuit and the majority of the King's Courts they would be heard;\* in certain cases the principal would

\* Readers of the Year-books must exercise considerable caution before



be summoned to warrant what his attorney had said to the Court in his behalf.

By this time all the large cities and towns had their charter of privileges, many having the rights of soc and sac, holding their own courts, and also a body of attornies and pleaders resident amongst the inhabitants; the towns were governed by a mayor and aldermen, who were assisted by "a town attorney;" attornies were admitted to practice in the local courts by the Mayor, or, as in the case of the City of London, by the Mayor and Aldermen, preference being accorded to townsmen;\* in the statutes for the City of Bristol, given in the edition published by the Early English Text Society, may be found the following entry † :—

"Item to ye Town Att., for his pencion	iiij. li.
Item for his ffurre	vi.s. viii.d."

The statutes here quoted date about the 18th of Edward IV., but are framed on previous ones much older.

As marking legal progress, it may be noticed, that in this

they conclude from the reports that the plaintiff and defendant in a given case were or were not represented by an attorney and counsel; the necessity for such care is exemplified by those cases which are reported in duplicate in Norman-French and also in Latin, the former version being sometimes so worded that the reader is misled to the belief that both parties appeared in person; whereas from the latter account it is evident that one or both sides were represented by attorneys. And again the Norman-French report may make it appear that the plaintiff and defendant pleaded in person or by attorney, when the Latin edition shows clearly that serjeants or pleaders conducted the pleadings on one or both sides. See and consider the case of the Prior of Lewes *v.* the Bishop of Ely, Year-books 32 and 33, Ed. I., Rolls' Edition, pp. 31 and 502, and also the case. pp. 423 and 525.

See Preface to the Year-books, 32 and 33 Edward I., Edited by A. Horwood.

\* See the "Statutes of Bristol and Worcester," "Statutes of Early English Guilds," published by the Early English Text Society, p. 400; also the "Liber Albus."

† P. 424.

reign, Edward I., notes are met with in the "*Abbrevatio Placitorum*"\* of cases which were heard before the assembled judges, viz.: the Barons of the Exchequer, the Chancellor with the Clerks of the Court of Chancery, the Justices of the King's Bench and the Great Bench.†

From the Year-books, which commence with the 20th year of the reign of Edward I., it may be ascertained that the Justices in Eyre were accompanied on their circuit by a Bar of serjeants, pleaders, and probably of apprentices-at-law; in all Pleas of the Crown, whether before the Special Commission or the Justices in Eyre, the Sovereign was represented by his attorney, or by one of his serjeants, "*qui sequitur pro Rege*" as the phrase runs. The names of the pleaders and of the King's attornies and serjeants are frequently given in the Year-books; the same names occur also in the "*Abbrevatio Placitorum*," and the "*Placita de Quo Warranto*." The language in which the reports of the Year-books are written, is the same as that of the courts, namely, Norman-French, thus differing from the notes of the two before mentioned works, which, as has been noticed already, are in Latin.

This distinction appears more worthy to be recorded from the fact, that in consequence of the use of these different languages, and the necessity of translating from the one to the other, there arose that fertile source of confusion of titles which now-a-days renders the various grades that in former times existed amongst the lawyers so unintelligible. First, the Norman French terms of "*Apprentiz*," "*Pleadour*," "*Contour*," and "*Serjeaunt*" are met with; next, there comes from the Latin sources, such titles as "*Narratores*" and "*Servientes*" and in Wright's "*Political Songs*"‡ of this reign, another class called "*Relatores*"; while to add to the difficulty, the "*Abbrevatio Placitorum*"§ and other sources supply the expressions "*communis serviens narrator*," "*communis serviens*," and "*serviens regis*." Hitherto it has been usual to consider

\* P. 250, rot. 19, col. 1., p. 274, col. 2, and p. 275, col. 1.

† See note p. *supra*.

‡ Camden Society, p. 227.

§ P. 237, quoted below.

the "Narrator" answered to the modern term "Barrister-at-Law," as did also the class called "Apprentiz"; while serjeants and countors have been held to be one and the same; a glance however, at the various titles given above, will show that though many of them are the same in their Norman-French or Latin dress: yet that our fitting of the old terms to more modern titles is, to say the least, far from accurate.

Whatever rules may have existed for the admission of attornies, and for regulating the precedence of the Bar, who practised in the King's Courts at Westminster, the profession in almost every branch seems to have been open to impostors, one grade encroaching upon another, assuming a rank or status, and undertaking the duties of a higher branch, than the one to which it rightly belonged. The "*Liber Custumarum*"\* gives an account of the state of confusion which existed in the 8th year of Edward I., when Gregory de Rokeslee was Mayor of London; and of the steps that were taken to guard against its occurrence in the City Courts; the plans then adopted were followed as precedents in the 33rd year of the same reign,† and for the same place: a proof that the evil was still in existence. The entire passage from the "*Liber Custumarum*" is given below in Appendix II.; but so much as is material to the question in hand runs as follows:—"Because that oftentimes there were some who made themselves countors, who did not understand their profession, nor had learned it; as to whom the substantial men of the city well perceived that through their ignorance the impleaded and impleaders lost their pleas and their suits in the Hustings and the houses of the Sheriffs; and that some were disinherited through this foolish conduct; seeing that every one made himself a countor at his own will, such a one sometime, as did not know how to speak in proper language, to the great scandal of the Courts afcresaid, which allowed them so to be, as also the pleaders and attornies, essoiners, and sometimes in the Sheriff's Court, assessors, and (thereby) each of them the judge of others,

\* "*Munimenta Gildhallæ.*"

† Riley's "*Memorials of London*," p. 58.



privily or openly: through which, right was intercepted by them,—the Mayor aforesaid with his Aldermen and other substantial men of the city, at the request of the serjeants and countors who understood their profession, and who therein felt themselves greatly aggrieved, has established that from henceforth such persons shall not be heard as do not reasonably understand their profession, and how becomingly to manage their business and the suits of the substantial men; and that such person shall hereafter be admitted by the Mayor and the substantial men aforesaid; saving, nevertheless, unto each reputable man such counsel as he shall wish to have, either from stranger or from denizen, (and) such as he shall think proper to seek for his business. But that this ordinance and establishment shall hold good so far as our serjeants, attornies, and essoiners, who generally frequent our courts, and are continually dwelling amongst us. And their will is, that each one hold his own estate, that is to say, that no countor be an attorney or an essoiner, and no essoiner a countor or attorney.”

How natural a picture is here given of one of the early phases, through which a young profession must pass, when having made a somewhat rapid stride towards maturity, it finds the old rules no longer sufficient, and the former safeguards no longer a protection against unscrupulous encroachment; apparently without any test of fitness, or at most but slight ones, the leaders could only control the influx of ignorance by an appeal to the judges of the City Courts; and as yet no statute existed, compelling the judges of the Courts at Westminster to test the fitness of attorneys or counsel before admitting them to practice in their courts.

The citizens of London were, therefore, compelled to protect themselves, and to forbid any attornies or pleaders to attend their courts unless admitted by the Mayor and Aldermen, who at this time bore the title of Baron.\*

\* *Vide* “*Liber Albus*,” translated by Riley, Book I, part ii., cap. 18. It is a noteworthy fact, that nearly every charter granted to the citizens of London by successive sovereigns from Henry I. to Henry IV., contains a provision to this effect:—“There shall no longer be mickenning in the

It would seem to be a fair inference to make from the passage in the "*Liber Custumarum*" above quoted, that while every serjeant was a countor, every countor was not a serjeant. From another passage in the same book, in continuation of the quotation given above, and which may also be found in Appendix II., the duty of a countor is declared to be "standing to plead and to count counts, &c.," and hence he obtained his title to be called specially a pleader. The terms "narrator" and "relator" seem to be merely the fanciful rendering of countor into a Latin form; an explanation which the following quotations apparently support; they are taken from the "*Abbrevatio Placitorum*," and the first is a note of a case in the 25th year of the reign of Edward I.—"Et predictus Thomas le Mareschall dicit quod ipse est communis serviens narrator coram justiciarios et alibi ubi melius ad hoc conduci poterit. Et quod ipse in placito præfatæ assisæ coram præfatos justiciarios stetit cum prædicto Johanni et de consilio suo fuit. Et in hoc ei in quantum potuit auxiliatus fuit tanquam serviens suus et sicut talibus servientibus in hujusmodi casibus bene licet," &c. \*

The second is to be found in same work, and occurs in the 10th year of Edward I. (1282); Gilbertus de Thornton and Wilhelmus de Giselham are mentioned as "narratores pro Domino Rege."† These two men were evidently most eminent lawyers in their days, as their names are frequently to be met with as counsel on the part of the King, in the records of that

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Hustings." See these charters given in the "*Liber Albus*," Riley's edition, from p. 115 to 152. Miskening signifies "mis-pleading," and usually a fine had to be paid for leave to amend the pleadings or counts; the privilege, therefore, granted by the above-mentioned charters, was a relief from the ordinary practice in the King's and other courts; a practice which was most probably introduced soon after the Conquest, to put money into the royal purse, and to divert business from unskilled practitioners into the hands of the professional pleaders, the Norman serjeants and countors.

\* "*Abbrevatio Placitorum*," p. 237, col. 1 and 2, rot. 22 (Oxon.)

† "*Abbrevatio Placitorum*," p. 81, rot. 33.

commission which has already been alluded to, and whose labours are reported in the pages of the "*Placita de Quo Warranto*." From Dugdale may be gleaned this further information, Gilbertus de Thornton was attorney for the King in the 8th Edward I. (1280), and also again in the 14th Edward I. (1286) for the *Placita* in the county of Norfolk ; in 1281 he was created King's Serjeant, and finally was appointed one of the Justices "*ad placita coram Rege* ;" in the 18th Edward I. (1290). William de Giselham was also twice appointed attorney for the King, first in the 7th year of Edward I. (1279), and again in 1285 for the "*Placita de Quo Warranto* ;" meanwhile, that is, in the 9th year of Edward I. (1281), he was created King's serjeant, and lastly was a Justice of the Bench in 1290 for three years, namely, from the 18th to the 21st year of the same reign.

From a comparison of these dates it will be seen that when in 1282 these men were termed "*narratores pro Domino Rege*" they had both been created King's Serjeants in the year previous, and from this it may be further concluded that Thomas le Mareschall mentioned above was "a common serjeant countor."

\* This perhaps is the proper place to refer to a distinction in

\* The writer ventures to suggest that the Serjeants-at-Law were a "Guild." It is impossible to read the collection of Statutes and Ordinances of the Ancient English Guilds—edited by Mr. Toulmin Smith and his daughter, for the Early English Text Society—and not be forcibly impressed with the numerous parallelisms in the characteristics of guilds, whether for commercial, religious, or social purposes, and the body of Serjeants-at-Law. It is believed no Charter of such a corporation exists, but this is not a fatal objection, as charters of incorporation were not necessary, although usual. The members of a guild addressed each other as "brothers ;" so, too, did the serjeants. It was a distinctive mark of all guilds, that at their meetings and public appearances the brethren should wear the hood specially belonging to the order ; so also the serjeants had a hood, the special mark of their order.

If this be the true origin of the serjeant's hood, an oft-disputed question is set at rest.

And hence, also, we may get at a satisfactory explanation why the junior members of the bar, below the rank of serjeant, were termed "apprentices ;" and also how it was apprentices above sixteen years' stand-



the ranks of serjeant which is not sufficiently borne in mind, but it is stated by Du Cange, and exists at the present day. Serjeants were of two degrees—King's Serjeants and common Serjeants; both on taking the degree presented rings to the King. Those of the former were inscribed with the motto "Deo, Regi et Lege;" while those of the latter bore "Deo et Patriæ:"\* they are further distinguished by the same writer, who says that the King's Serjeants were not forbidden to appear on behalf of any private person, in so far as this was not against the King; a prohibition which did not extend to common serjeants.

It is not then, perhaps, drawing conclusions unwarranted by the facts, if it is asserted that the terms "pleadour," "contour," "narrator," "relator," are but different words, meaning the same rank in the profession; but that while every serjeant might also be a "contour," "pleadour," "narrator," and "relator," the converse would not hold good, and every "contour or pleader" was not a serjeant; further, that any one of these titles might be borne by an apprentice-at-law, if of sufficient standing, for as has already been stated a man holding no higher rank than apprentice might be Recorder of the City of London; and if the usually received assertion be correct, that the term apprentice was applied to lawyers of less than sixteen years' standing, after which they proceeded to the degree of serjeant, the supposition is only reasonable that, as a "pleader" or "contour" might be under the rank of serjeant, an appren-

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ing were competent to proceed to the rank of serjeant. There is abundant evidence that the serjeants held the highest rank at the Bar, but there is nothing to show whence they derived their position and special privileges, though most probably both were of Norman origin, and they seem to have held them against the rival degrees conferred by the universities upon the civilians; perhaps, too, the civilians became serjeants—see the case of Galfridus de Scrope *infra*. In the England of the days now alluded to every trade had its guild; religious men, and even the warriors, had their brotherhoods; why, then should the lawyers, subsequent to the Conquest, have missed hedging in their privileges and order in a similar way?

\* Du Cange, *sub voce*, "Servientes at legem."

tice might be a pleader or contour; and it may be further suggested that the title might thus be varied in name only, according to the Court in which a man was admitted to practice.

With reference to this singular dovetailing of the various degrees and titles in the profession at this period, see the remarks of the editor of the "*Liber Custumarum*," on the passage from that book quoted in Appendix II. below; given in the glossaries to the Rolls edition *sub vocibus* "Apprentiz," "Pleadour," "Countour," and "Serjaunt;" and also the case of Walter Askam, mentioned in "Dugdale," p. 142.

By the end, then, of the reign of Edward I., it is evident there existed a large body of professional lawyers, attornies, apprentices, pleaders, and serjeants, who, besides practising in the King's Courts, were in the habit of going round with the Justices on their circuits; as the names of the attornies engaged in the case are generally mentioned in the "*Placita de Quo Warranto*," so the names of the counsel are given in the Year Books; amongst the most eminent was Hugo de Lowther, who went the Hereford, Salop, and Stafford Circuits; he was a pleader in the common bench, also *Attornatus Regis* during the Assizes for the county of Salop, in the 20th Edward I. (1292), and was King's Serjeant in 1293. Henry Spigurnel is also mentioned in the cases occurring on the same itinera as Lowther; he was one of the itinerant justices in 1302-3, a Justice *ad assisas* in 1305-11, and again an itinerant justice 1313 (6th Edward II). William Inge and Galfridus (?) Scrope were scarcely less eminent, but these names will suffice; the last named, however, is not improbably the Galfridus de Scrope, whose name casually occurs in the "*Munimenta Academica*,"\* where he is called a Doctor in Jure Civili, and was a member of the University of Oxford.

The general outline of the profession, as it now existed, can be fairly discerned, and though the various ranks may have encroached one upon the other, it is evident efforts were being made to obviate the inconvenience and confusion thus arising

\* P. 167, about A.D. 1348.

by defining certain limits for each. By the end of the reign of Edward II. the attornies seem to have been very numerous, judging from the number and variety of the names, which are almost invariably given in the "Placita de Quo Warranto," which belong to this and the succeeding reign; their influence and importance must have been progressing with rapid strides, as they are frequently accepted by the King as sureties for the payment of the sums of money, for which the royal commission permitted the clients of the attornies to purchase from the Crown those liberties and privileges to which they could not otherwise show a clear title.

The religious houses, too, in these days of incessant litigation, besides maintaining a champion who had to sustain the rights of his ecclesiastical lord, by shock of spear and stroke of sword, when the legal knot could not be otherwise solved than by the ordeal of battle, had also to retain the services of a retinue of lawyers to do battle for them in the Courts of Law. These it would seem were retained by the year,\* and below is given a list of the fees paid to counsel, attornies, and other legal advisers, retained by the Abbey of Melsa or Meaux, in Yorkshire, for the year 1396.†

\* "Chronica Monasterii de Melsa" Rolls Edition, Preface.

† List of legal advisers of the Monastery of Melsa and their yearly fees.

Johannes de Redmesse, seneschallus	...	...	xl.s.
Robertus Tyrwhytt	...	...	xxvj.s. viij.d.
Johannes de Burtona	...	...	xx.s.
Robertus Sturmy	...	...	xij.s. viij.d.
Richardus de Beverlaco	...	...	xij.s. iiij.d.
Amandus Veyle	...	...	xxvi.s. viij.d.
Hugo de Ardrene	...	...	v.s.
Ricardus Warde	...	...	vj.s. viij.d.
Rogerus de Wele, Attornatus Placitorum et Prosecutor brevium	...	...	xij.s. iiij.d.
Magister Willelmus de Feriby, Magister Alanus de Newerk, advocati, et Magister Nicholaus Brown de Esyngwald, procurator in curia Christianitatis Eboraci, pro contributione ordinis provinciæ Eboracensis concernente monasterium nostrum pro feodo suo	...	...	xv.s.



Towards the close of the reign of Edward III. the ecclesiastical lawyers gave evidence of their astuteness and skill, when, in order to evade the statutes of mortmain, they introduced from the civil law the idea of "a use," by which a grant of land being made to a person to the use of a religious house or corporation, it was held by the clerical chancellors that, though the common law did not recognise such a thing as "a use," the Court of Chancery would enforce the performance of it against the person to whom the grant was made, and thus the religious house became beneficially entitled. Though the clergy did not reap much benefit from their ingenuity, as the attempt at evasion was crushed in the reign of Richard II., yet the idea took root, and from it sprung the equitable jurisdiction of the Court of Chancery.

Here the research into the rise and progress of the legal profession may be brought to an end, as in the reign of Edward III. it is believed that the earliest of the Inns of Court were established,\* and the professional history has its own records.

It is a sad reflection, but the facts giving rise to it obtrude themselves at every turn, that all the records of the various persons who, during the time comprised between the reign of Edward the Confessor and the close of that of Edward III., were for the time being the exponents and practitioners of the law, whether justiciars, justices, sheriffs, serjeants, countors, advocates, apprentices, or attornies, and, whether clerics or laymen, exhibit them as preying upon the necessities of the nation; one and all were corrupt; the judges, sheriffs,† and

\* See a Pamphlet by Thomas Marshall, Registrar of the County Court, Leeds.

† See the cases of the Abbot of Abingdon and the Sheriff of Berks, *sup.*, p. 121. The following extract from the "Liber Albus," b. i, pt. ii. cap. xviii., Riley's edition, p. 53, has come to have a humour quite unsuspected by the Mayor and Aldermen of London at the time it was written:—"Seeing that it is quite impossible for the Barons and the body of citizens of London to do otherwise in pleas of the Crown than pass through the hands of the king and his justiciars, it is a matter of necessity that the Barons and all the citizens should covet their favour and good-will, by

serjeants, counsel and attornies, took bribes, and the two last named are charged with receiving fees from their clients, and afterwards accepting retainers from their opponents, or with leaving them to make the best of their own case; clerical lawyers were ever scheming to get their cases transferred for hearing from a lay to an ecclesiastical court, where the word of a cleric would have more weight than the oath of a layman; advocates are accused of protracting causes for their own profit. One branch of the profession fraudulently undertook the duties of a higher branch, attornies giving themselves out to be countors and countors making themselves serjeants, when they were not so, thus losing their client's causes through their ignorance and dishonesty; good and honourable men no doubt existed in every branch, but, as a profession, they were even more feared and hated than honoured by the people.

Common law lawyers and civilians detested each other and their rival systems, while the clerical lawyers had opponents even amongst the clerics; where both parties were always trying to overreach the other, fraud and cunning must have been rampant, while between them clients were ruined and justice miscarried.

How every lawyer, no matter what his degree, was detested, may be learned from a satirical poem of the reign of Edward III., "The Vision of William, concerning Piers Plowman." \*

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making ample presents to them, that is to say, and to their clerks; seeing that the ancestors of the barons and citizens of London, who, in their day, so manfully and so strenuously ruled and defended the City, and the liberties and customs of London, were wont to do the same. And therefore, forasmuch as it is no dishonour or disgrace for us to follow in the footsteps of our ancestors who in former times showed such tact, it can only be to our advantage to do the same as they did; to the end that by objections raised by such persons, the citizens may not be molested and disturbed, but rather, on the contrary, in the enjoyment of their liberties may peacefully be maintained."

\* P. 9, v. 10, the spelling and letters are partially modernized, Text B. See also *ib.*, p. 32. Mede being taken a prisoner to Westminster, to the

A loud voice, great effrontery, and the use of violent language seem to have been the not unusual means of obtaining notoriety and of conducting a case to a successful issue employed even by the counsel of the days of Edward II.; for the "Liber Custumarum," evidently contrasting the habits of the lawyers as they were, with what they ought to have been, defines the duty of a countor as follows:—"To make proffers at the bar without baseness, and without reproach and foul words, and without slandering any man," &c.\*

A question has recently been raised as to which of the two

King, he sent a clerk to look after her, "and make hire at ese;" then she is brought to the chamber, when—

"They that wonyeth at Westminster worschipped hir alle;  
Gentelliche with ioye the Justices somme,  
Busked hem to the boure—there the birde dwelled,  
To comfort hire kyndely."

Mourn not, say they, for we will get thee off; then Mede thanked them and made them presents. Conscience is asked if he will wed Mede—nay, he answers, Christ forbid, for assizers, summoners, and sheriffs praise her.

"Bi ihesus, with her jeweles yowre justices she shendeth  
And agein the lawe \* \* \*  
\* \* \* here floreines go so thikke,  
Lawe is so lordeliche and loth to make ende.  
With-oute presentz or pens—  
For I seithe Mede in the moote-halle on men of law wynke,  
And thei lawghyng lope to hir."

*Ib.*, p. 54,

"Yit houed there an hondreth in houues of selke,  
Serianutz it semed that serueden et barre,  
Plededen for penyes and poundes the lawe,  
And nought for loue of owre lord vunlese here lippes onis.  
Thou myghest better mete the myste on maluerne hulles,  
Than gete a momme of here mouth but money were showed."

Again, when Mede (Bribery) is going to be married, the vision shows there were gathered with others—

\* \* \* \* "sysours,  
And sompnours, shireves, and here clerkes."



modern branches of the legal profession, the attornies or the bar, have the best title to be considered the most ancient ; and in a paper read before the " Social Science Congress," held in Leeds in the year 1871, Mr. Marshall \* argued that the attornies could show the best title.

It is obvious this question should only be considered from the point whether the attornies, as a professional body, or the bar, *i. e.*, advocates and pleaders, also as a professional body, have the best claim to be considered the oldest corporation of legal advisers or lawyers in the kingdom.

Of course it is not intended to start from those early days of the Roman occupation of Britain, or it might then be argued that, as other Roman colonies, such as Alexandria, had a large body of both attornies (members of the second order "leguleius," the person who got up the case for the advocates) and advocates, there was a strong reason to suppose that York and London might have the same ; however probable this may have been in the days of the Roman occupation of Britain, with their departure all traces of a " Bar " must have gone also.

Coming down later to the times of the Saxons in England, it would seem from Mr. Thorpe's work on the Anglo-Saxon Laws, that an early form, both of attorney and pleader, or advocate, then existed ; but the slight information which we have concerning the former would rather lead to the inference that the attorney of the Saxon was nothing more than the person so frequently mentioned in somewhat later times, namely, the " substitute " or " representative ; "† while, on the other hand, it seems that an early type of the advocate, or the man who addressed the court and pleaded in your favour, is to be met with in the head of a man's frith-guild or his principal compurgator, by whom an advocate's duties were frequently undertaken ; though, at the same time, the fact should not be lost sight of, that it does not follow he was a lawyer: the lawyers of this date were the senior thanes and the clergy ; and of the

\* Registrar of the County Court, Leeds.

† *Vide supra.*

law itself but a very small portion was written, the greater part being unwritten and handed down orally.

The changes produced by the Conquest introduced a new system of jurisprudence to rival the old common law, and a trained band of rival lawyers, having one thing in common with their English brethren, they also were clerics.

From henceforward may be traced classes of lawyers called "contours" and "serjeantz," while the future attorney only exists as the "substitute" or "representative," but not as yet known by his present title ; and again it must be asserted that the "proxy," whether as a Saxon or Norman institution, or both, was not necessarily a lawyer ; any one might be appointed to the office. From and after the reign of King John, subsequent to the importation of the civil law into the country, in the reign of Stephen, may be noticed the gradual introduction of the title *attornatus*, "a substitute ;" at first used as a portion of the form of letter by which he was appointed, and eventually becoming his title, but still he was not necessarily a lawyer.

From the lament of Roger Bacon, written about the beginning of the reign of Richard I., over the prominence given at the University of Oxford to the study of the civil law, may be gathered the information that, even at this early period, Oxford, in imitation of its sisters abroad, conferred degrees in the civil law.

The efforts of some of our early princes to improve the judicature of the country, and to introduce a settled system of jurisprudence, notably the measures of Henry I. and Edward I., besides the intellectual advances of the nation, brought about a vast reformation in legal matters ; clerics were almost banished from the lay courts, and their range of practice limited to the ecclesiastical ones only. This had been accomplished before Edward I. had come to the throne ; the name "*attornatus*" in its earliest meaning was then rapidly dying out, and was applied to a large and increasing body of lawyers, so that, after a few years of Edward's reign had gone by, it is found that the old meaning of the word has to be explained as one "*vices gerens*."

The King and his Council helped the attornies by a statute enlarging the powers of appointing them ; the judges on circuit now travelled with a bar of pleaders and a following of attorneys ; the King had his King's Attorney as well as his King's Serjeant ; the bar consisted of common countors, serjeant countors, and often were added to them the King's Attorney and Serjeant ; while the apprentices-at-law were probably juniors in *in statu pupillari* and candidates for admission into the higher branches of the craft, but by no means the tyros it has been usual to regard them, as certain important offices were filled by "the most virtuous and learned." The men bearing that most ancient title of advocate might still be found amongst the clerical lawyers of the universities and the ecclesiastical courts.

In discussing this question it must be remembered that the distinction so often here taken between your attorney who was merely a proxy, and your attorney who was your lawyer, exists to the present day.

The most reasonable account of the origin of the matter seems not improbably to have been somewhat as follows :—when a Churchman had to appear before the courts—and a very litigious body the clerics naturally were, being also lawyers—he sent to represent him a sound lawyer ; if his opponent was also a cleric the fight was pretty fair, but if he was a layman he had a small chance, for lay lawyers were rare for many years, and a clerical one would probably refuse the office ; the result of this must have been the gradual rearing of a body of lay attorneys who were lawyers, especially when the clerical retirement from the lay courts gave them so fine an opening.

With this slight outline of what the lawyers were in the twelfth, thirteenth, and fourteenth centuries, the task which has been undertaken may be brought to a conclusion ; but the writer is fully persuaded that further research amongst the records hereinbefore alluded to, and others which have not been accessible to him, would greatly add to the knowledge of the early history of all branches of the legal profession ; and, it must



be admitted, would possibly contribute to the dissolution of many of the speculations and theories which are set forth in the preceding pages; but if what has been written have no other result than to arouse an interest in the subject and act as a stimulant to further reading in the same direction, the writer's venture will at least have done some good, as he is convinced it can but add to the evidence, placing the bar in their true position as the elder branch of the legal profession.

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## APPENDIX I.

### "Placita de Quo Warranto" p. 333.

"Abbas de Bello summonitus fuit ad respondendum Domino Regi de placito quo warranto clamat habere curiam suam pro omnia et regiam libertatem et consuetudinem tractandi de suis rebus vel negociis et justiciam per se tenendam et quod si aliquis habuerit aliquam querelam versus aliquem ex hominibus ipsius Abbatis et inde placitare voluerit ille qui rectum requirit curiam Abbatis requirat salvo in itinere Justiciariorum et eciam returnum omnium brevium Regis infangenthef et utfangenthef furcas et warrennam in omnibus terris suis in comitatu isto et catalla dampnatorum et fugitivorum qui de ipso tenuerint et catalla forinsecorum qui infra libertatem suam judicati fuerint cum eis inventa et murdrum si adjudicetur et amerciamenta sua et omnium suorum fines et redemptiones omnium hominum suorum evasiones latronum thesaurum inventum weyf in manerio de Wy, Kingesnode, Dengemareys, Wachingdenn, Anglinge, et Haukherst que sunt membra de predicti manerii de Wy wreccum maris in Dengemareye et graspeys si illic applicuerit et hundredum de Wy pillorium et tumbrellum unum mercatum apud Wy singulis septimannis per diem Jovis unam feriam ibidem singulis annis per duos dies duraturam unam feriam apud Challock singulis annis pro duos die duraturam unum mercatum singulis septimannis apud Haukhurst per diem Martis unam feriam ibidem singulis annis per tres dies duraturam cum omnibus que ad hujusmodi ferias et mercata pertinent et quod in quocumque itinere Justiciariorum ubi terræ et tenementa ipsius Abbatis existunt unus ex eisdem Justiciariis qui ex decrecione capitalis Justiciarii commodius vacare possit accedere debet infra libertatem suam ad omnia placita ipsum et homines suos tangencia in hujusmodi itineribus unacum seneschallo ipsius Abbatis

placitanda et terminanda tam de illis que ad coronam Regis pertinent quam de aliis et habere Coronatorem suum proprium in hundredo suo de Wy predicto. Et quod ipse et homines sui sint quieti de quibuslibet comitatibus shiris et hundredis et ab omni consuetudine terrene (?) servitutis cum soka saka thol et them geldo scotto murdro et omnibus auxiliis et operacionibus castellorum et parcorum et poncium hidagium danegeldum et omnibus placitis et querelis lastagiis stallagiis assartum clausuram exercitibus forstallum blodwyte childwyte hamsokne et latrocinio si acciderit et ab omni servitute et omnibus quecumque humana mens excogitare potest cum omnibus dignitatibus et regalibus consuetudinibus," &c.

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## APPENDIX II.

### OF COUNTORS AND ATTORNEYS.

"Liber Custumarum," pp. 281, 282, 283. Translated pp. 595, 596, 597.

"In the time of Gregory, Mayor of London, in the eighth year of the reign of King Edward : because that oftentimes there were some who made themselves countors, who did not understand their profession, nor had learned it ; as to whom the substantial men of the city well perceived, that through their ignorance the impleaded and the impleaders lost their pleas and their suits in the Hustings and the Houses of the Sheriffs, and that some were disinherited through their foolish conduct. Seeing that every one made himself a countor at his own will, such a one sometimes as did not know how to speak in proper language, to the great scandal of the courts aforesaid, which allowed them so to be, as also pleaders and attorneys, essoiners, and sometimes in the Sheriff's Court, assessors, and thereby each of them the judge of others, privily or openly ; through which, right was intercepted by them—the Mayor aforesaid, with his aldermen and other substantial men of the city, at the request of the serjeants and countors who understood their profession, and who therein felt themselves greatly aggrieved, has established that from henceforth such persons shall not be heard as do not reasonably understand their profession, and how becomingly to manage the business and the suits of the substantial men ; and that such person shall hereafter be admitted by the Mayor and the substantial men aforesaid, saving nevertheless unto each reputable man, such counsel as he shall wish to have, either from stranger or from denizen, and such as he shall think proper to seek for his business. But that this ordinance and establishment shall hold good so far as our serjeants, attor-

neys, and essoiners, who generally frequent our courts and are constantly, dwelling among us. And their will is, that each one hold his own estate, that is to say, that no countor be an attorney or essoiner, and no essoiner a countor or an attorney. The duty of a countor is as follows :—standing to plead and count counts, and to make proffers at the bar, without baseness, and without reproach and foul words, and without slandering any man, so long as the court lasts. Nor shall serjeants or attorneys go further in front beyond the bar or the seat where the sitting is ; nor shall any one be assessor or sit near the bailiff for delivering pleas or judgments, unless it so be that the principal bailiff, who is holding the court, shall call him unto him ; and in such case he shall make oath that he will support neither side.

Nor shall any countor, or any other man, counter-plead or gainsay the records of judgments ; but if it appear to them that there is some error therein, according to the law and usage of the city, let them make complaint or representation unto the Mayor, who shall redress the error, if there be one in the matter. No countor is to undertake a suit to be partner in such suit, or to take pay from both parties in any action ; but well and lawfully he shall exercise his profession. No countor or other is to gainsay judgments of the Hustings, or to go about procuring how to defeat the acts and the awards of the community. And that this they will do, the countors shall make oath. He who shall be near the judge, without being invited, or who shall counter-plead the records and the judgments, or who shall slander another, if it be in the sheriff's court shall be suspended for eight days, so that he shall count for no one, or else he shall be amerced by the sheriff in half a mark. If it be in the Hustings, he shall be suspended for three hustings or more, according to the offence. He who takes from both parties, and is attainted thereof, shall be suspended for three years ; where one takes money, and then leaves his client and leagues himself with the other party, and where one takes money and abandons his client, let such person return twofold, and not be heard against the client in that place. He who goes about procuring how to defeat the awards or the judgments of the community, and is attainted thereof, shall be for ever suspended, and held as one perjured for ever. And the countor who undertakes a plea to partake in the demand, shall be for ever suspended, if he be attainted thereof. The attorneys are to have this same penalty inflicted, if they contravene this ordinance, and be attainted thereof. If the attorneys, by their default or by their negligence, lose the actions of those whose attorneys they are, they are to have imprisonment, according to the statute of the King. And no one who is an attorney shall be an essoiner, and no essoiner shall be an attorney under the pain aforesaid.



## APPENDIX III.

Extract from Roger Bacon's "Compendium Studii," Rolls edition, p. 419.

"Non Solum jus civile Italicum destruit studium sapientiæ, quia aufert expensas studentium et utiles personas removet; sed quia omnino sua affinitate laicali clerum confundit indigne, cum non sit clericale officium talia jura exercere sed penitus laicale. Quod est manifestum si consideremus quod hoc jus et a laicis principibus statutum est, et pro laico populo dirigendo.

"Atque domini legum Bononiæ et per totam Italiam volunt vocari magistri vel clerici, nec coronam sicut clerici habent. Uxores ducunt et omnino sicut laici, familiam regunt, et consortio et consuetudinibus laicalibus sunt subjecti. Quapropter manifestum est quod ab officio et statu clericali separati sunt; et ideo se convincit fieri laicum qui talibus ruditatibus se inclinat.

"Præterea omne regnum habet sua jura quibus laici regnuntur; ut jura Angliæ et Franciæ; et ita fit justitia in aliis regnis per constitutiones quas habent, sicut in Italia per suas. Quapropter cum jura Angliæ non competant statui clericorum, nec Franciæ, nec Hispaniæ, nec Allemanniæ, similiter nec Jura Italiæ conveniunt ullo modo. Quia se debeant clerici uti legibus patriæ, tunc minus est conveniens, ut clerici Angliæ utantur legibus Angliæ, et clerici Franciæ legibus Franciæ, et sic de aliis, quam clerici Angliæ et Franciæ utantur legibus Italiæ. Quapropter maxima confusio clericorum est quod hujusmodi constitutionibus laicalibus subdunt colla. Rex quidam Angliæ Stephanus, allatio legibus Italiæ in Angliam, publico edicto prohibuit, ne ab aliquo retinerentur."

## APPENDIX IV.

"Opus Tertium," by Roger Bacon. Preface by J. S. Brewer, Rolls edition, p. xviii.

The law commanded the main, if not the sole avenue to promotion. "In the Church of God," observes Bacon, "one civilian, although acquainted with the civil law alone, and ignorant of the canon law and theology, is more praised and promoted to ecclesiastical dignities than a master in theology." The government of the church was in the hands of the jurists; the liberality of the nobility and clergy was confined exclusively to them. "Would to God," he exclaims, "that I could see

these quibbles and frauds of the jurists banished from the church, and causes decided as they were decided forty years back, without all this rattle of litigation ! Then the regimen of the church would be glorious and in harmony with its true dignity. Then the study of theology, of the canon law, of philosophy, would be exalted and perfected ; then princes and prelates would give benefices and riches to professors in this high faculty, studious men might have some provision for life and for the pursuits of science. For there are many, and there would be more, who would never desist from the pursuit of philosophy until they had completed it, if they would obtain their expenses. Some would perfect theology, some philosophy, some would rectify the canon law and reduce it to its proper condition. But civilians and lawyers, handling the canon law like civilians, now-a-days receive all the good things of the church, and the provision of princes and prelates, so that others cannot live by study, or follow the path of philosophy. Either they make a brief stay at it, or omit it altogether, and take up the civil law without any previous acquaintance with theology or philosophy. Not that they care much for the canon law, except so far as it tends to the glorification of civil science ; and thus the whole study of philosophy goes to ruin, and with it the whole regimen of the church ; peace is driven from the earth, justice is denied, and evils of all kinds ensue."

## THREE POETS OF THE SCOTTISH REFORMATION :

ALEXANDER CUNNINGHAM, FIFTH EARL OF GLENCAIRN,  
HENRY BALNAVES OF HALHILL,  
AND JOHN DAVIDSON, MINISTER AT PRESTONPANS.

BY THE

REV. CHARLES ROGERS, LL.D.,

Fellow of the Royal Historical Society, and of the Society of Antiquaries of Scotland, and Corresponding Member of the Historical Society of New England.

THE Earl of Glencairn, Henry Balnaves and John Davidson merit commemoration apart from their poetry. While denouncing in a poetical pasquinade the illegal traffic of the Church of Rome, Lord Glencairn protested against the rapacity of the Reforming nobles. As a statesman he rendered invaluable aid to the Protestant cause by resisting the attempts of Mary of Guise to check the spread of the Reformed doctrines. In opposing the efforts of Queen Mary to crush the Reformed preachers, and in supporting her dethronement, he occupied a foremost place. He conspicuously upheld the government of the infant King James.

By his legal training and business aptitude, Henry Balnaves proved of especial service in protecting the Reformers from the pitfalls prepared by their enemies. Energetic and earnest, he suffered in person and estate for maintaining the rights of conscience, but was vindicated in the end.

One of the most austere of the Scottish Reformers, John Davidson, as a pupil and associate of John Knox, imbibed strong views as to ecclesiastical independence, and the duty of resenting the despotism of princes. Had he expressed himself less ardently, he would better have accomplished his aims, and avoided much personal discomfort. But his stern assertion of his opinions, first in defiance of the Regent Morton, and afterwards in direct antagonism to King James, has rendered his career a memorable one. He was a sound



theologian, an eloquent declaimer, and one of the most accomplished scholars of the Reformed Scottish Church. He compiled materials for a national history and prepared memorials of his time, which were afterwards used by Calderwood. A devoted evangelist, his fervour was boundless; he re-animates the waning zeal of his clerical brethren, and in a degree not inferior to the most distinguished of his contemporaries upheld those principles of freedom, which, obtaining consolidation and force, at length expelled a dynasty, and laid the foundation of constitutional government.

The portrait of the Earl of Glencairn, which accompanies his memoir, has been copied from a representation of the Earl contained in Pinkerton's "Gallery."\* It is described by Pinkerton as founded on an intaglio in possession of the Countess Dowager of Glencairn, at Coats, near Edinburgh. Since Pinkerton wrote the earldom has become dormant.

In preparing a memoir of John Davidson, the editor has been indebted for many important particulars to an accomplished antiquary, the Rev. Dr. Struthers, minister of Prestonpans, who has otherwise paid tribute to the memory of his predecessor.

TOWARDS the close of the eleventh century, Wernebald, a Norman, proceeded from the north of England, and under the feudal protection of Hugh de Morville, constable of Scotland, obtained lands in the county of Ayr. These lands were then or subsequently known as Conynghame (place of conies), and when surnames were adopted, the descendants of Wernebald chose this family designation from the patrimonial estate. A representative of the family, Alexander Cunningham, was about the year 1450 ennobled as Lord Kilmaurs; he was by James III., in 1488, created Earl of Glencairn.

William, fourth Earl of Glencairn, was an accomplished

\* The Scottish Gallery, or Portraits of eminent persons of Scotland, by John Pinkerton. London, 1799, 8vo.





M<sup>r</sup> Farlane & Evelyn, Lith<sup>rs</sup> Edin<sup>g</sup>

ALEXANDER, FIFTH EARL OF GLENCAIRN.





statesman and a zealous promoter of the Reformation. While still a youth, he was in 1526 appointed Lord High Treasurer. Along with David Beaton, afterwards cardinal, he negotiated the treaty of marriage between James V. and Mary of Guise. At the battle of Solway, in 1542, he was taken prisoner ; he paid for his ransom one thousand pounds, and with some other Scottish noblemen became bound to support the project of Henry VIII. for the marriage of Prince Edward with the Scottish queen. He afterwards resisted certain extravagant demands of the English monarch, which were consequently abandoned. He was one of the Scottish ambassadors who, in July, 1543, arranged with the English commissioners at Greenwich, the treaties of peace and marriage. In a compact concluded at Carlisle in 1544 he agreed to support Henry VIII. as protector of Scotland in the interests of the Reformation. Subsequently he withdrew from his alliance with the English Government, and received from the Scottish Parliament a remission of his alleged treason in his Anglican negotiations. He died in 1547.

Alexander, fifth Earl of Glencairn, is historically known as "the good earl." He was a younger son of William, fourth Earl of Glencairn, by his second wife, Margaret, daughter of John Campbell, of West Loudoun. As Lord Kilmaurs he was associated with his father in advancing the cause of reformation. For the sincerity of his father's professions he became in 1543 a hostage in England. In a letter to Henry VIII., dated 23rd March, 1543, Sir Ralph Sandler, the English ambassador, writes from Edinburgh,\* "He [the Earl of Glencairn] hath written to your Majesty to have his son home, entering other pledges for him ; his said son having the rule of that country under him ; and if he were at home, he should stand him in great stead. I assure your Majesty I think he feigneth not ; for such a man as his son is may not be spared out of so wild a country. I have talked with the man ; he is called the lord of Kilmaurs, and the master of Glencairn ;

\* Sir Ralph Sandler's State Papers, edited by Sir Walter Scott. vol. i., p. 82.

and in my poor opinion, they be few such Scottish in Scotland both for his wisdom and learning, and well dedicate to the truth of Christ's word and doctrine. So that I think, if he were at home he should not only stand his father in good stead, but also do much good here in the country, where now the gospel is set forth in English, and open proclamations made, 'That it shall be lefull to all men to read the Bible and Testament in the mother-tongue,' and special charge 'that no man preach to the contrary upon pain of death.' \*

On his father's death, in 1547, Lord Kilmaurs succeeded to the earldom. According to Knox, he was present in 1550 at the trial of Adam Wallace, of Fail, who was charged with upholding the Protestant doctrines. Wallace was condemned and the sentence of death carried out, Glencairn emphatically protesting against the proceedings: "Tack you yon my Lordis of the Clargye," said Glencairn, as Wallace warned his persecutors that his blood should be required at their hands; adding with solemn emphasis, "I protest that I consent nott to his death."

When Knox returned to Scotland in 1555, Lord Glencairn warmly encouraged his ministrations. In March, 1556, he invited the reformer to his residence at Finlayston, Renfrewshire, and there partook at his hands of the holy communion, along with his countess and his two sons.† The silver cups used on this occasion were carefully preserved, and so long as the Glencairn family resided at Finlayston were produced at the dispensation of the communion in the parish church. In May, 1556, Knox, on the recommendation of the Earl Marischal, composed a letter addressed to the Queen Regent, Mary of Guise, entreating that the Reformed preachers might obtain her protection. This communication was presented by Lord Glencairn to the Regent. A few days afterwards she handed it to Archbishop James Beaton, saying derisively, "Please you, my lord, to read a pasquill." Informed of this

\* This proclamation is dated 19th March, 1543.—Knox's "History of the Reformation," Edinb., 1846, 8vo., vol. i., p. 240.

† Knox's History, vol. i. p. 237-250.

proceeding, Knox made a suitable addition to his letter, which he had reprinted at Geneva in 1558.

On the 3rd December, 1557, Lord Glencairn, along with the Earls of Argyle and Morton, Archibald Lord Lorne, and Erskine of Dun, subscribed the following instrument :\*—

“ We, perceaving how Sathan in his memberis, the Antichristis of our tyme, cruelly doeth rage seaking to dounethring and to destroy the Evangell of Christ and His congregatioun, aught, according to our bonden deuitie, to stryve in our Maisteris caus, evin unto the death; being certane of the victorie in Him. The quhilk our dewitie being weall considdered, We do promesse befor the Majestie of God and His congregatioun, that we (be His grace,) shall with all diligence continually apply our hole power, substance, and our verray lyves, to manteane, sett forward, and establish the most blessed word of God and His congregatioun; and shall laubour at our possibilitie to have faythfull Ministeris purely and trewlie to minister Christis Evangell and Sacramentes to His people. We shall manteane thame, nuriss thame, and defend thame, the hail congregatioun of Christ, and everie membour thair of at our hail poweris and waring of our lyves against Sathan, and all wicked power that does intend tyranny or truble against the foirsaid congregatioun. Onto the quhilk holy woord and congregatioun we do joyne us, and also dois forsaike and renunce the congregatioun of Sathan with all the superstitious abomination and idolatrie thareof; And moreover, shall declare our selfis manifestlie ennemies thairto, be this oure faithfull promesse before God, testifeid to his congregation be our subscriptionis at thir presentis :—At Edinburgh, the thrid day of December, the year of God J<sup>m</sup>. V<sup>o</sup>. fifty-sevin yearis : God called to witnesse.”

The noblemen who subscribed this covenant were henceforth known as “ Lords of the Congregation.”

In 1559, when the Queen Regent, by the advice of Cardinal Beaton, summoned four of the reformed preachers with the design of sending them into exile, the Earl of Glencairn and Sir Hew Campbell of Loudoun, reminded her that she had lately promised toleration. She haughtily answered that

\* Knox's History, vol. i., p. 273.



subjects were not entitled to urge upon princes the fulfilment of promises which they could not conveniently keep, on which Lord Glencairn remarked that in such circumstances subjects might renounce their allegiance. In May of the same year, the reformers of the west assembled at Craigie in Ayrshire, when on a discussion as to confederating with the reformers at Perth, Lord Glencairn used these words—"I will by God's grace, see my brethren in St. Johnstone,\* though no man should accompany me ; I will go, if it were with but a pick upon my shoulder, for I had rather die with that company, nor live after them."† He forthwith proceeded to Perth at the head of 1,200 cavalry and 1,300 foot, and by this formidable armament arrested the attempt of the Queen Regent to subdue the reformers by force of arms.

In July, 1559, Glencairn headed a deputation from the reformers to the Queen Regent, demanding freedom of worship. In August he commanded a body of troops in defence of the Protestant cause, and in September subscribed an appeal to the Regent, warning her against employing French troops in an attempt to crush the national liberties.

On the death of the Regent, and the public recognition by Parliament of the reformed faith, Lord Glencairn was appointed a member of the Privy Council. With the Earl of Morton and Maitland of Lethington, he was sent to Queen Elizabeth to recommend the Scottish reformers to her support, and to propose as her husband the Earl of Arran, heir to the Scottish throne. Queen Elizabeth declined the proposed union, but promised substantial aid to the reformers.

Queen Mary having refused to sanction the reformed faith, and abolish the rites of Romish worship, Glencairn and other councillors declined to approve her marriage with Darnley. The marriage was celebrated on the 29th July, 1565, and the opposing nobles were soon afterwards proclaimed rebels. After Darnley's murder, and the Queen's marriage with Bothwell, on the 15th May, 1567, Glencairn joined the Protestant nobility

\* The city of Perth was formerly so called.

† Knox's History, vol. i., p. 335.

in a covenant for the defence of the young prince against his father's enemies. On the 13th June, when the opposing armies met at Carbery, the French ambassador offered the Queen's pardon to the Protestant lords on their surrender. "We have not come here," answered Glencairn, "to solicit pardon for ourselves, but rather to give it to those who have offended." When the Queen was committed to Lochleven Castle, Glencairn proceeded to the Royal Chapel at Holyrood, and destroyed the shrines, and other apparatus of Romish worship. At the coronation of the infant James VI. at Stirling, on the 23rd of July, he bore the sword of state. When, in May, 1568, tidings of Queen Mary's escape from Lochleven caused deep anxiety to those who professed the reformed doctrines, and adhered to the young king, he conducted his followers by forced marches to join the army of the Regent. He subscribed the memorial despatched to Queen Elizabeth in January, 1570, praying that Queen Mary might be surrendered into the hands of the Regent Murray, on the assurance that her life would be spared. He was one of the noblemen captured by Kirkaldy of Grange, in the suburbs of Stirling, in September, 1571, when the Regent Lennox was slain.\*

On the death of the Regent Mar, Lord Glencairn was nominated to the regency, along with the Earl of Morton, but the latter was chosen "be pluralitie of votes."† He married, first, Jean, daughter of James, Earl of Arran and Duke of Chatelherault; and secondly, Lady Jane, daughter of Sir John Cunningham of Caprington. Of his first marriage were born William, the sixth Earl, and Andrew. A daughter, Margaret, married Sir John Wallace of Craigie. Of the second marriage were born a son, Archibald, and a daughter, Margaret, who married Archibald Earl of Argyle, and secondly, Sir Humphrey Colquhoun of Luss.

Lord Glencairn died in 1574. His lordship's will, with the inventory of his moveable estate, is in the General Commissariat Register of Edinburgh,‡ recorded in the following terms:—

\* Tytler's History of Scotland, vol. vii., p 297.

† Reg. Secreti Concilii, 24th November, 1572.

‡ Edinburgh Commissariat Register, vol. iii.

"The testament testamentar and Inuentar of the gudis geir soumes of money and dettis pertening to vmquhile ane nobill and potent lord Alexander erle of glencarne the tyme of his deceis. Quha deceist in the moneth of                      the zeir of god J<sup>m</sup> V<sup>c</sup> Lxxiiij zeris, pairtlie maid and gevin vp be himself as concerning the nominatioun and dettis auchtand be him and pairtlie gevin vp be Jane Cunyngghame lady glencarne his relict and Williame now erle of glencarne as concerning the Inuentar of his gudis geir cornis and dettis auchtand to him. Quhome he vpoun the nynt day of aprile the zeir of God foirsaid nominat his executouris in his latter will and legacie befor thir witnessis, Williame cochrane, malcum mcfarlane, and Johne porterfeld\* minister of Kilmaronnok, serwitouris to the said vmquhile nobill and potent lord with vtheris diueris.

"In the first the said vmquhile nobill and potent lord had the gudis geir soumes of money and dettis of the avale and prices efter following pertening to him the tyme of his deceis viz within the baronie of Kilmaronnok aucht scoir of auld ky quhair of thair is lx of tydir ky price of the pece ourheid foure xij iiij<sup>d</sup> summa vijc xlvj<sup>li</sup> xiijs iiij<sup>d</sup>. Item twentie ane zoung beistis of tua zeir auld, price of the pece xls summa xliij<sup>li</sup>. Item xxx zoung nolt of ane zeir auld

\* The Rev. John Porterfield experienced the warm support and countenance of the Earl of Glencairn. He was, in 1564, appointed first Reformed Minister at Dumbarton, but was "banished" from that charge sometime prior to December, 1568, when Lord Glencairn applied to the General Assembly to provide him with another charge. In 1567 he began to minister at Kilmaronock, holding with that charge the vicarage of Ardrossan. He afterwards applied to the Regent Murray for a grant of the Vicarage of Stevenson, on the grounds that the churches were near, and that the revenues of both vicarages were barely sufficient for his maintenance. His application was referred by the Regent to the General Assembly of July, 1569. In 1571 he was nominated to the Archbishopric of Glasgow, but he did not obtain consecration; he abandoned the temporality in 1572. He was translated from Kilmaronock to Ayr in 1580, and continued in that charge till his death, which took place some time prior to the 10th April, 1604. In 1600, he received as his assistant and successor, the Rev. John Welch, son-in-law of John Knox. Porterfield was a person of amiable dispositions, but he seems to have lacked in ministerial earnestness.



price of the pece ourtheid xxvjs viij<sup>d</sup> summa xli<sup>li</sup>. Item xix oxin price of the pece sex summa jc xiiij<sup>li</sup>. Item foure bullis price of the pece ourheid thrie<sup>li</sup>, summa xij<sup>li</sup>. Item in the barne zaird xxx stakkis of aittis estimat to xxx scoir bollis aittis price of the boll with the fodder xxvjs viij<sup>d</sup>, summa viij<sup>d</sup>li. Item thrie stakkis beir estimat to lvij bollis beir price of the boll with the fodder l<sup>s</sup> summa jc xliij<sup>li</sup> x<sup>s</sup>. Item mair vpoun the saidis landis of the baronie of Kilmaronnok certane hors and vther gudis and cornis being set in steilbow for the soun of ane hundreth pundis. Item in the barne and barnezaird of Kerelaw sex scoir bollis aittis price of the boll xxvjs viij<sup>d</sup>, summa clx<sup>li</sup>. Item mair in the said barne and barnezard tuelf bollis beir price of the boll l<sup>s</sup> summa xxx<sup>li</sup>. Item mair thair foure bollis quheit price of the boll liij<sup>s</sup> iiij<sup>d</sup> summa x xiijs iiij<sup>d</sup>. Item in vtencilis and domicilis in the place of Kilmaronnok by the airschip estimat to the soun of Thrie hundreth pundis.

“Summa of the Inventor ——— ij<sup>m</sup> iiij<sup>d</sup> Lxxxxvij<sup>li</sup> xvjs viiiij<sup>d</sup>.

“Followis the dettis awing to the deid.

“Imprimis thair wes awand to the said vmquhile nobill and potent lord be his tennentis within the barony of Kilmaronnok for thair ferme mele of this instant crope and zeir of God J<sup>m</sup> V<sup>c</sup> lxxiiij zeris sevin scoir tuelf bollis mele, price of the boll ourheid xls summa iij<sup>c</sup> iiij<sup>li</sup>. Item mair awand be thame for thair ferme beir of the crop and zeir of God foirsaid xxxij bollis beir price of the boll Ls summa lxxx<sup>li</sup>. Item awand be the tennentis of Stevinstoun for thair ferme mele of the crop and zeir of God foirsaid xliij bollis ij. firloittis mele, price of the boll xls summa xxxix<sup>li</sup>. Item mair awand be them for their ferme beir of the crope and zeir of God foirsaid threttene bollis beir price of the boll ls. summa xxxij<sup>li</sup> x<sup>s</sup>. Item mair awand be the saidis tennentis of Stevinstoun for thair mertymes termes mele last bipast xxx<sup>li</sup>. Item awand be the tennentis of Heilhous for their ferme mele of the crop and zeir of God foir said xx bollis ferme mele price of the boll xls summa xls. Item mair awand be thame for thair ferme beir of the crope and zeir of God foirsaid sevin bollis beir price of the boll Ls summa xvij<sup>li</sup> x<sup>s</sup>. Item awand be Mr Wm Stewart chalmerlan of Kilmaris for the rest of the mailes and fermes of the crope and zeir of God foirsaid tua hundreth pundis. Item resting awand be Johne Weir chalmerlan of the abbacie of Lesmahago for the rest of the males and dewiteis of the crop and zeir of God lxxiiij zeirs foirsaidis ane hundreth pundis.

“Summa of the dettis awing to the died—vii<sup>c</sup> Lxxxxiiij<sup>li</sup>.

“Summa of the Inuentar with the dettis—iiij<sup>m</sup> iij<sup>c</sup> lxxxx<sup>li</sup> xvjs viij<sup>d</sup>.

“Followis the dettis awing be the deid.

“Item thair wes awing be the said vmquhile nobill and potent lord to Mr. Alex<sup>r</sup> Kinros of byrun annuellis to be vpliftit furth of the landis of Auchingill lxxxiiij yjs viij<sup>d</sup>. Item awand to Johne Buquhannan in cameroun of byrun annuellis to be vpliftit furth of the landis of Buquhannan fiftie pundis. Item awand to Mcfarlane laird. Mcfarlane for byrun annuellis to be vpliftit furth of the landis of Kilmaris fourtie five pundis vjs viij<sup>d</sup>. Item awand to Ro<sup>t</sup> Haldane for byrun annuellis to be vpliftit furth of the landis of Bathquhan moir tuentie pundis. Item awand to Thomas Buquhannane for byrun annuellis to be vpliftit furth of the landis of the manis of Kilmaris sex lib. xiijs iiij<sup>d</sup>. Item awand to Walter Weir of byrun annuellis to be vpliftit furth of the Bordland xiiij<sup>li</sup> vjs viij<sup>d</sup>. Item awand to bartilmo mak callay for byrun annuellis to be vpliftit furth of the Bordland sex<sup>li</sup> xiijs iiij<sup>d</sup>. Item awand to Mr. Thomas Buquhannane for byrun annuellis to be vpliftit furth of the landis of Balloquhern xxij<sup>li</sup>. Item awand to Isobell Cunynghame for byrun annuellis to be vpliftit furth of arrocher moir lxij<sup>li</sup> xiijs iiij<sup>d</sup>. Item awand to Ro<sup>t</sup> Porterfeild for byrun annuellis to be vpliftit furth of the Bordland xxvj<sup>li</sup> xiijs iiij<sup>d</sup>. Item awand to Thome Buquhannane for byrun annuellis to be vpliftit furth of the merkynche ten pundis. Item awand to Umphray Cunynghame for byrun annuellis to be vpliftit furth of the landis of the manis of Kilmaris xxxvij<sup>li</sup> xvs. Item awand to Wm Porterfeild for byrun annuellis to be vpliftit furth of the sumerers ane hundreth pundis. Item awand to Mr Johne Prestoun for byrun annuellis to be vpliftit furth of the landis of Balloquhirne xxij<sup>li</sup>. Item awand to Ro<sup>t</sup> Scot of annuell to be vpliftit furth of the landis of Balloquhirne ten pundis. Item awand to James Glen of annuellis to be vpliftit furth of the landis of Arbir lxxvj<sup>li</sup> xiijs iiij<sup>d</sup>. Item awand to James Edmestoun for byrun annuellis to be vpliftit furth of the landis of Arbir lxxvj<sup>li</sup> xiijs iiij<sup>d</sup>. Item awand to Johne Buquhannane in Rois of annuellis to be vpliftit furth of the landis of Inchecalloch xxij<sup>li</sup>. Item awand to Eduard Cussacke minister of Dumbartane xxij<sup>li</sup> vj viij<sup>d</sup>. Item awand to Thomas Buquhannane of annuellis xxvj<sup>li</sup> xiijs viij<sup>d</sup>. Item awand to Alex<sup>r</sup> Langmure of byrun annuellis ellevin lib vjs viij<sup>d</sup>. Item awand to the executouris of vmquhile archibald erle of argile for the rest of his tocher gude foure thousand merkis. Item

awand to Robert Alexander in Striueling ane hundreth xxxiiij<sup>li</sup> vj iiija. Item awand to Malcum Wallace for the rest of comptis fourtie pundis. Item awand to Robert Scott ane hundreth xxxiiij vj<sup>s</sup> viij<sup>d</sup>. Item awand to Williame Cunynghame laird of Cunynghameheid conforme to ane obligatioun fiftie thrie pundis xvij<sup>s</sup>. Item awand to Mr. David Cunynghame his sone xxxiiij<sup>li</sup> vj<sup>s</sup> viij<sup>d</sup>. Item awand to the contributioun of the lordis for the bischoprik of Glasgow liij<sup>li</sup> vj<sup>s</sup> viij<sup>d</sup>. Item awand to the gentilmen for thair feis viz. to Johne Quhytfurde xvj<sup>li</sup>. Item to Johne Cunynghame for his fie xvj<sup>li</sup>. Item awand to Alex<sup>r</sup> Cunynghame for his fie xxiiij<sup>li</sup>. Item awand to malcum Mcfarlane for his fie tuelf pundis. Item awand to Johne Armour for his fie viij<sup>li</sup>. Item awand to Eufame Toirster for hir fie ellevin<sup>i</sup> viij<sup>s</sup> x<sup>d</sup>. Item awand to Johne Mccalpene for his fie myne<sup>li</sup> viij<sup>s</sup> iiij<sup>d</sup>. Item awand to Andro Baird for his fie xxx<sup>li</sup> xiiij iiij<sup>d</sup>.

“Summa of the dettis awing be the deid iij<sup>m</sup> ix<sup>e</sup> iiij<sup>li</sup> x<sup>s</sup>. And sua the dettis excedis the guidis v<sup>e</sup> xiiij<sup>li</sup> xiiij<sup>s</sup> iiij<sup>d</sup>. Followis the legacie and latterwill :—

“ ‘Ypoun the nynt day of Aprile the zeir of God J<sup>m</sup> v<sup>e</sup> lxxiiij zeris. The quhilk day the said vmquhile nobill and potent lord Alexr erle of glencarne maid his testament and latterwill in maner as efter followis. Imprimis I ordine my executouris my wyf and eldest sone and oursmen to see my executouris do thair dewities I ordine my lord Vchiltre and the laird of Caprinetoun togidder with my lord regentis grace that now is as principall. Item as to my movabill gudis and geir cheifle concerning my bestiall the nowmer and quantatie I refer to my beltane buke writtin be Sir Johne Cowper. Item as to my Insprech and silver wark I refer to my wifis aith and vpgeving. Item I haif the manis of Kilmaronnok sawin presentlie togidder with tua hors, for the labourin the same in the byremennis hand and the price set as is writtin in Schir Johne Cowperis buke. Item as to Lesmehago the dettis awand to me thair I refer to my comptis. All dettis of my leving of all baroneis as also of the abbacie of Kilwynning I refer to the last comptis maid be the officiar and chalmerlane of the same. Item I am awand to robene Alexr. in Sterueling tua hundreth merkis and forther as Malcum Wallace can testifie in his compt. Item I am awand to Malcum Wallace sum dettis as his comptis maid betuix him and my wif will beir quhome to I refer the same. Item I am awand to robert Scott tua hundreth merkis. Item to the contributioun of the lordis lxxx merkis for glasgow. Item I am awand certane annuellis to James



Glen the specialitie thair of I refer to comptis betuix him and me and to Hew my brutheris conscience. Item quhat I am awand to the laird Cunynghameheid I refer to my obligatioun ; I am awand to his sone Maister David fyftie merkis. Item thair is awand me tua zeris of the abbacie of Lesmahago lxx and lxxj zeris quhilk wes for the maist part intromettit with be lord Claud Hamiltoun. Quhat I ressauit of thay zeris I refer to my dischargis gevin to Johne Weir thir zeris I ordine my executouris to call for and perseu as law will. Item I leve my sone his airschip according to the lawis of the realme. Item I leve vnto my wyf the intromissoun with the steding of hoilhous with the haill gudis geir cornis now vpoun the same to be iniouit and brukit be hir as hir awin proper geir. Item I leif to my wyf the haill gudis and geir in the manis of Kerelaw with the insicht thairin togidder with the siluer pece and spones that pertenis somtyme to Sir James Walker. Item becaus I haif contractit greit dett in the contract of mariage maid betuix my dochter Johane cunynghame now comitisse of argile and hir spous that restis with God archibald erle of the same lyke as afoir in diuers in writtingis and memorandumes of my latter-will I left in my legacie befor written being exceptit vnto my said dochter frie to advance hir to ane honorabill mariage and now hir mariage being compleit and as zit the dett remanis I leve and ordine my haill gudis and geir for the releif of the souerteis contractaris and my hous bund in the said contract quhill sa far as appertenis be the law be payit. Alwyis prouiding that quhatsoever I haif gevin or disponit to my said dochter at any tyme befor this quhairof scho hes titill presentlie to posses ather be infestment or landis or assignatioun gevin be me that the same be first tane for the payment of hir tocher promeist and releif of the contract and souerteis thairin safar as the same sall avale and extend to. Item I ordine that the proffettis of the abbacie of kilwynning for the space of five zeris to cum be intromettit with be my wyf for the help and supplie of sik thingis as I haif imparit and hurt hir proffett in ony wyis and ordines hir to be administratrix to my sone and intromettour with his leving for that space and willis earnestlie my speciall freindis sik as the laird of cunynghame caprintoun and waterstoun to se the same performit. As lykwyis willis my eldest sone to be the cheif oursear that the same be performit alwyis prouiding that scho hald and detene my sone at the sculis for the said space in all thingis necessar for his estait. Item becaus thair is cofferis in my place of kilmaronnok left be my lord of argile that restis

with God quhairin thair is clathis of my lordis and his seruandis I ordine that in cais that my dochter haif na successioun to quhome the same may appertene of law than I ordine the same to be deliuerit to my lord that now is or his airis havand richt thairvnto quhairby his Lordship and seruandis may haif thair awine. Item I leve to my seruand Malcum Mcfarlane fourtie pundis and as to the rest of my seruandis houshald men and gentilmen I ordine my wyf and sone to interteny thame honestlie quhill a terme and hald hous to thame quhensaeuir I inlaik for that space thair feis being payit of all biganes to gif euery ane of thame tuentie merkis in rewaird. Item I leif Willie Cochrane the dun naig that he rydis on the lute togidder with ten merkis. Item I leve Johne Armour ten merkis with my ryding geir. Item becaus I tuke on my land the soum of thrie hundreth merkis for to pay ane pairt of the thrid of the abbacie of Kilwynning of the zeir of God &c. Lxxij zeris I ordine that of the reddiest fruittis of kilwyning the same be relevit and samekill of the proffittis of the abbacie be tane vp as will pay the same quhairby my land may be lousit and in na wyis indettit for the same &c. All dettis quhilk now I can not remember I refer to my awne writtingis or obligationis quhomesouer the credi touris sall produce. This wes done at the place of kilmaronnok day zeir and moneth abone written befor thir witnessis Wm Cochrane Malcum Mcfarlane and Johne Porterfield minister of kilmaronnok seruitouris to the said vmquhile nobill and potent lord with vtheris divers Sic Subscribitur Alexander erle of glencarne with my hand.

“We Mrs. Rot. Maitland dene of aberdoir Eduard Henrisoun doctor in the lawis Clement Litill and Alexr Sym aduocattis commissaris of Edinburgh specialie constitut for confirmatioun of testamentis be the tennour heiroy ratifeis appreis and confirmis this present Testament or Inuentar insafar as the samin is deulie and lauchfullie maid of the gudis and geir abonespecificit alanerlie and gevis and committis the intromissioun with the samin to the said Wm. now erle of glencarne eldest sone to the said vmquhile Alexr erle of glencarne and ane of the executouris testamentaris nominat be him in his latterwill abonewrittin and onlie acceptar of the said office vpoun him becaus the said dame Jane Cunynghame the relict and vther executrix to the said vmquhile erle be hir procuratour in hir name hes renunciit the said office in our presens as ane act maid thairupoun beris Reseruand compt to be maid be the said Wm now erle of glencarne of the gudis and geir foirsaidis as accordis of the law quha beine suorne hes maid

faith treulie to exerce the said office and hes fundin caution that the gudis and geir abone written salbe forthcoming to all parties havand interes as law will as ane act maid thairupon bears.’”

In his “History of the Reformation” John Knox has presented the following poem, by Lord Glencairn, in ridicule of the miraculous pretensions of the Romish Church. No other production from his pen has been preserved.

“ANE EPISTLE DIRECT FRA THE HOLY ARMITE OF ALLARIT,\* TO HIS BRETHEREN THE GRAY FREIRES.

“ I, Thomas, Armite † in Larite  
 Saint Frances brether hartlie greit  
 Beseiking yow with ferme intent,  
 To be walkryfe ‡ and diligent,  
 For thir Lutherians, rissen of new,  
 Our Ordour daylie dois persew.  
 Thay smaikis § do sett their haill intent,  
 To reid this English New Testament,  
 And sayes, We have thame clene disceavit,  
 Therefore, in haist, they man be stoppit  
 Our stait hypocrisie they prysse,  
 And us blasphemis on this wyse,  
 Sayand, That we are heretikes,  
 And fals, loud, liand, mastif tykes;  
 Cumerars and quellars of Christes kirk,  
 Sueir swongeouris || that will not wirk,

\* The hermit of Allarit was Thomas Douchtie, who in 1533, founded the chapel of Alareit or Loretto at Musselburgh, near Edinburgh. According to Buchanan, Douchtie visited Italy, and on his return built a church which he dedicated to the Virgin Mary, and where he practised fictitious miracles (Hist. lib. xiv.. p. 41). On his first voyage to France, in 1536, on his matrimonial expedition, James V. was driven back by a storm, landing at Whithorn. He returned to Stirling, and from thence made a pilgrimage on foot to Alareit Chapel, for the purpose of devotion. He then sailed from Kirkcaldy on the 1st September, 1536, and ten days thereafter arrived at, Dieppe, and Alareit Chapel stood beyond the eastern gate of Musselburgh, near the Links. It was a noted shrine till the period of the Reformation.

† Hermit.

‡ Watchful.

§ Mean fellows.

|| Drudges.



But ydlelie our living wynnnes,  
 Devouring woules into sheip skynnnes,  
 Hurkland \* with huides into our neck,  
 Wyth Judas mynd to jouck and beck,  
 Seikand Christes peple to devoir  
 The down thringars of God his glore,  
 Professouris of hipocrisie,  
 And doctouris in idolatrie ;  
 Stout fyschares with the Feindis nett,  
 The upclosars of Heavins yett ;  
 Cankcarit † corruptars of the Creid,  
 Homlok ‡ sawares amangest good seid,  
 To trow in traytouris, that do' men tyiste,§  
 The hie way kennand || thame fra Chryst  
 Monstouris with the Beast his mark,  
 Dogges that never stintes to bark,  
 Kirk men that are with Christ unkend  
 A sect that Sathane self hes send  
 Lurkand in holes, lyke traytour todde  
 Mantenaris of idols and false goddes  
 Fantastik fooles and feynzied fleachearis,  
 To turne fra the treuth the verie teachearis,  
 For to declair thair haille sentence,  
 Wald mekle cummer your conscience ;  
 Thay say your fayth it is sa stark,  
 Your cord and lowsie coit and sark,  
 Ye lippin ¶ may bring yow to salvatioun,  
 And quyte excludes Christ his passioun.  
 I dreid this doctryne yf at last,  
 Sall either gar us wirk or fast,  
 Therfor, with speid we mon provyde,  
 And not our proffit to ouerslyde.  
 I schaipe my selfe within schort quhyle  
 To turse \*\* our Ladie in Argyle ;  
 And there, uncraffie wyse to wirk,  
 Till that we bigged have ane kirk ;

\* Contracted                      † Avaricious.                      ‡ Hemlock.  
 § Deceive.                      || Enticing.                      ¶ Trust.                      \*\* Cast off.

Syne miracles mak be your avyse  
 Thay kettereles,\* though they had but lyse  
 The twa part to us they will bring :  
 But ordourlie to dress this thing,  
 A gaist I purpose to gar gang,  
 Be counsall of Freir Walter Lang,†  
 Quhilk sall mak certane demonstrations  
 To help us in our procurations  
 Your haly Ordour to decoir :  
 That practik he proved anes before  
 Betuix Kirkcaldie and Kingorne ; ‡  
 But lymmars § made therat sic skorne  
 And to his fame maide sic degressioun  
 Sensyne he hard not the Kinges confessioun  
 Thoicht at that tyme he came na speid,  
 I pray you tak guid will as deid ;  
 And him amongst yourselves receive  
 As ane worth mony of the leave.  
 Quhat I obteyne may, through his arte,  
 Ressoun wald ye had your parte.  
 Your Ordour handles na monye  
 But for uther casualitie,  
 As beif, meill, butter, and cheiss,  
 Or quhat that we have that ye plesse,  
 Send your Bretheren *et habete*  
 As now nocht elles but *valete*,  
 Be THOMAS, your brother at command,  
 A cullurune || kythed ¶ throw many a land."

\* An expression, implying abhorrence and contempt.

† Calderwood describes Friar Laing as confessor to James V., (Hist, vol. i., p. 142). His Christian name was William, not Walter. In the Treasurer's Accounts he is described, in 1541, as "Maister Elymosinar, in the Princes house." According to Foxe, Friar William Laing betrayed to Archbishop James Beaton the confession of Henry Forrest, which led to his condemnation and martyrdom. Forrest suffered at St. Andrews.

‡ Kinghorn, an ancient burgh, three miles westward of Kirkcaldy, on the south coast of Fifeshire

§ Rude persons.

|| A cunning person.

¶ Practised.

## HENRY BALNAVES.

Henry Balnaves was born at Kirkcaldy, Fifeshire, about the year 1502. According to Calderwood, he in his youth travelled through Flanders to Cologne, where he entered a free school, supported by the municipality. There he was instructed in the canon and civil law, and in the principles of religion. On his return to Kirkcaldy he was patronized by Sir John Melville, of Raith, an early promoter of the Reformation, and whose estate lay in the neighbourhood. Proceeding to St. Andrews, he became a procurator in the Consistory Court of that city.\* On the 7th December, 1526,† he was incorporated a member of St. Salvator's College; his graduation has not been recorded. From exercising the office of procurator at St. Andrews he was, on the recommendation of Sir John Melville, received as clerk in the office of Sir James Kirkaldy, of Grange, Lord High Treasurer. Soon after the establishment of the Court of Session in 1532, he appears to have been admitted advocate, for, in a memorandum‡ dated 16th November, 1537, he and seven others are mentioned as "chief advocates in Session." On the 3rd December, 1537, Balnaves appeared as prolocutor for James Kirkaldy, of Grange, in an action raised at his instance against David Earl of Crawford, respecting the lands of Rathillet and others.§ On the 31st July, 1538, he was appointed an ordinary lord of session, when he assumed the judicial title of Halhill. By a charter dated 10th August, 1539, the lands of Easter Collessy, now called Halhill, were on purchase conveyed to him and his spouse, Christian Scheves.|| He was one of the Commissioners appointed to Parliament in November, 1538, and his name appears in the proceedings till November, 1544.¶

\* Calderwood's History, Wodrow ed., vol. i., p. 158.

† Acta Rectoris Univ. S. Andreae.

‡ MS. Collections, prepared apparently for Sir Thomas Hope, in the possession of David Laing, Esq., LL.D.

§ Acta Dom. Conc. et Sess., vol. ix, folio 47 *b* and folio 52 *b*.

|| Diplomata Regia, vol. vii., p. 176.

¶ Acta Parl. Scot., vol. ii., pp. 352, 383, 446.



On the death of James V., leaving an infant daughter, Balnaves joined Sir James Kirkaldy, of Grange, and others, in securing the election of the Earl of Arran as Governor, under the belief that he would prove faithful to the Protestant cause.\* By the Governor he was, in February, 1542, appointed to the important office of Secretary of State.† In the first parliament of Queen Mary, held in March, 1543, he supported the act introduced by Lord Maxwell, declaring that it should be lawful for all men to read the Bible and Testament in the mother tongue.‡ This Act was proclaimed on the 19th March, with the special charge that “no man preach to the contrary upon pain of death.”§ By the same parliament he was despatched to England as one of the Commissioners to treat with Henry VIII. concerning the proposed marriage between the infant Queen Mary and Edward, Prince of Wales. The Commissioners remained in England till July, and according to Knox, completed arrangements respecting the marriage, except the time of her deliverance into the custody of Englishmen.||

Balnaves was appointed Secretary of State for life,¶ but he was, after a few months, removed from office by Arran, at the instigation of his illegitimate brother, John Hamilton, abbot of Paisley, afterwards Archbishop of St. Andrews. By abjuring the Protestant faith, having become reconciled to Cardinal Beaton, the governor accompanied that haughty ecclesiastic in a progress through Fife in November, 1543, and at the same time seized the Earl of Rothes, Lord Gray and Balnaves, and warded them as prisoners at Blackness Castle.\*\* They were liberated in May, 1544, when the English fleet arrived in the Frith of Forth. On his liberation Balnaves resumed his judicial duties.

\* Sir James Melville's Memoirs, p. 14.

† “Regist. Secreti. Sigilli,” lib. xvii., fol. 30.

‡ Knox's History, Wodrow ed., vol. i., p. 100.

§ Saddler's State Papers, vol. i., p. 83.

|| Knox's History, vol. i., p. 102.

¶ Saddler's State Papers, vol. i., p. 90.

\*\* Knox's History, vol. i., p. 116.

An event happened which brought to a crisis the struggle between the Scottish Reformers and their opponents. On the 29th May, 1546, Cardinal Beaton was assassinated in the castle of St. Andrews. The conspirators remained in the castle, which became a resort to those who were obnoxious to Popish rule, though unconcerned in the plot which destroyed the cardinal's life. It has been alleged by Spottiswood\* that Balnaves entered the castle the day after the murder, and in his "Life of Queen Mary," George Chalmers has branded him as one of the assassins.† Such reckless assertions are unworthy of both writers. Dr. David Laing, the erudite editor of John Knox's works, has been enabled to show from the public records, that Balnaves was discharging his office as a judge in the Court of Session during the months of June and July subsequent to the cardinal's death. He attended the Privy Council on the 3rd of August, when he joined the Queen Regent, the Governor, and others, in declaring that the slaughter of the cardinal, he being High Chancellor of the kingdom, was an act of treason.‡

Some time between the middle of August and the month of October Balnaves abandoned his office, or was deprived of it, and thereafter attached himself to a considerable body of Reformers now congregated in the castle of St. Andrews. On the 20th November he was, along with the Master of Rothes, despatched to Henry VIII. to solicit his assistance.§ A promise was obtained that aid would be forthcoming if the inmates of the castle would support the marriage of the young Queen with the Prince Edward. Henry VIII. died in January, 1547, and in the following month Balnaves received for the garrison, from the Minister of Edward VI., a subsidy of £1,180, with the promise of military succour.||

\* History, vol. i., p. 167.

† Chalmers' Life of Queen Mary, vol. iii. pp. 184, 185, 340.

‡ Works of John Knox, Wodrow ed., vol. iii., p. 409. "Regist. Secreti Concilii; Acta," vol. i., fol. 35 and 35b.

§ "Diurnal of Occurrents," p. 43.

|| "Foedera," vol. xv., p. 133, 44.

Personally he obtained a pension of £125, payable from Ladyday, 1546. On the 9th of March, 1647, a contract, engaging to promote the proposed union between Edward and Mary, and to deliver up the son and heir of the Governor Arran, was subscribed at the castle of St. Andrews by Henry Balnaves, Norman Leslie, Kirkaldy of Grange, David Monypenny of Pitmilly, and William Kirkaldy. Two days afterwards a similar contract was subscribed in the castle by Patrick, Lord Gray.

By the inmates of the castle, Balnaves was despatched on a second mission to England. He seems to have been accompanied in his journey by John Leslie of Parkhill, who was associated with his more celebrated nephew, Norman Leslie, in the murder of the Cardinal; for in a letter written to the Protector Somerset from Berwick, dated 18th April, he, after promising to set forward as soon as good horses could be obtained,\* suggests that John Leslie might be sent hawking or hunting into the country, so that he could hold a private interview with his lordship. The interview was unattended with a grant of supplies, and Balnaves returned to the castle. He was now intimately concerned in one of the most important events of his career—the calling of John Knox to the ministerial office. This illustrious person, having experienced hostility from the Governor, sought refuge in the castle on the 10th April, 1547. As he expounded the Scriptures and imparted instruction in the reformed doctrines, he was urged by Balnaves and Sir David Lyndsay to become colleague of John Rough, who had heretofore ministered to the garrison. Not without deep reluctance Knox was prevailed on to accept the sacred office.† In August the castle surrendered to the Governor, when Balnaves and other principal persons of the garrison, to the number of one hundred and twenty, were thrown into the French galleys and carried to France.‡ Imprisoned in the

\* Letter in State Paper Office.

† Diurnal of Occurrents, p. 44.



castle of Rouen, Balnaves was visited by some leading ecclesiastics, in the hope of his being induced to abjure the Protestant faith. In the words of John Knox, "because he was judged learned, therefoir learned men were appointed to trawall with him, with whome he had many conflictes; but God so ever assisted him, that thei departed confounded, and he by the power of Goddis Spreit remaned constant in the treuth and profession of the same, without any wavering or declynying to idolatrie."\*

During his imprisonment at Rouen, Balnaves composed a treatise on Justification, which was revised by Knox, who divided it into chapters, and prefixed to it a commendatory notice. In order to its preservation in these times of peril, the treatise was secretly transmitted to John Cockburn, of Ormiston, a zealous reformer, and an attached friend of Knox. When Knox and the author were both dead, it was discovered at Ormiston, in the hands of a child, by Richard Bannatyne, the reformer's well-known secretary, and who was afterwards secretary to Cockburn's widow. To that gentlewoman, Dame Alison Sandilands or Cockburn, the treatise was dedicated by Thomas Vautrollier, at whose press in Edinburgh, it was printed in 1584.†

In 1548 Balnaves was, in his absence, charged with treason and forfeited. According to an entry in the treasurer's accounts a messenger was on the 5th December, 1548, dispatched to Fifeshire, "to execute summondis of treason upon the Laird of Petmillie and Maister Henry Balnaves." The sentence of forfeiture against Balnaves and others was rescinded by the Queen Regent in a Parliament held at Edinburgh in March 1556.‡ He returned to Scotland soon afterwards.

On Queen Elizabeth's accession the English Government renewed negotiations with the Protestant party in Scotland. In August, 1559, Sir Ralph Saddler and Sir James Croft were, with secret instructions, sent to reside at Berwick. On the 20th

\* Knox's Works, Wodrow, ed. vol. i., p. 186.

† Knox's Works, vol. iii., pp. 431-436.

‡ Sir James Balfour's Annals, vol. i., p. 350.

August the former made request in a letter addressed to Knox, that "Mr. Henry Balnaves, or some other discrete and trustie man might repayre in such secret maner and to such a place as I have appointed here to the intent that we might conferre with him touching their affayres." Balnaves, who is described by Knox as "a man of good credit in both the realmes," was accordingly despatched to Berwick, which he reached on Wednesday, the 6th September. By Sir Ralph Saddler he was promised a grant of £2,000 sterling for the support of troops. The money was to be shipped with secrecy at Holy Island.\* On the 4th November Balnaves sent a letter to Sir James Croft, in which he vindicates his diligence in communicating intelligence and in distributing the money with which he had been entrusted. He adds "In tymes to cum I shall save myself from such blame with the grace of God. I think I deservit more thanks. It was presumit that I had receyved twentie thousand crowns, and wold not bestow it as every man wold. This is the commoditie that I had for my travell, but I serve God principallie in this mater, and consequentlie that thing which may tender the common weale of baith thir realmes, as God beareth witnes to my conscience, and I am liable to justifie when tyme and occasion suit; so I take the less care of tales. Had I suit sum mennis appetites there hatht been no word of the money bestowing; but hatht I done that I could not have answerit to you upoun my honour, as I do now boldly write and speake." Writing to Randolph on the 5th November, Saddler and Croft allude to Balnaves' vindication, adding, "We do not only take all his doings in goode parte, but also rest his assured frends to our power."†

To promote intelligence among the leaders of the Congregation, Balnaves became secretary to the noblemen of the west, while Knox attended those of Fife. On the 13th November, Balnaves proceeded to Holy Island by sea, and was by Croft admitted secretly into the castle of Berwick.‡

\* Saddler's State Papers, vol. i., pp. 430-436.

† Saddler's State Papers, vol. i., p. 548.

‡ Knox's Works, vol. iii., p. 414.

With Lord James Stuart and other chiefs of the Congregation, he was present at the conference with the Duke of Norfolk, held at Berwick on the 25th of February, 1560, when the English Government agreed openly to support the cause of Reformation in Scotland.\*

On the 11th February, 1563, Balnaves was reappointed an ordinary Lord of Session,† and resumed the exercise of his judicial functions. At a parliament held in May of the same year he was "restored" or compensated for the losses attendant on his exile.‡ On the 29th December he was named one of the commissioners for revising the Book of Discipline. A statement that he was one of the assessors to the Earl of Argyle in the trial of Bothwell for the murder of Darnley has not been authenticated.§

In October, 1568, Balnaves accompanied the Regent Murray into England, as one of his assessors in the inquiry before the English Commissioners as to the guilt of Queen Mary. The inquiry was begun at York, and successively adjourned to Hampton Court and Westminster, but Balnaves took no conspicuous part in the proceedings. He was remunerated by a grant of £300,\* and certain articles of apparel, furnished him at the cost of £231 4s. 3d.|| He retained his judicial office till within a short period of his death. He died in February, 1570. Some time previously he settled his estate of Halhill, on his "son adoptive," James, afterwards Sir James Melville, third son of his early benefactor, Sir John Melville, of Raith. During his long exile in France, James Melville had been serviceable to him.¶ Balnaves' confirmed testament proceeds thus:—

"THE TESTAMENT TESTAMENTAR AND INVENTAR of the gudis geir, and dettis pertening to umquhile MAISTER HENRY BALNAVES, OF

\* Knox's Works, vol. ii., p. 45.

† "Acta Dom. Concilii et Sessionis."

‡ Knox's Works, vol. ii., p. 381.

§ Brunton and Haig's "Senators of the College of Justice," p. 62.

|| "Reg. Secr. Concilii," p. 163, and Treasurer's Accounts.

¶ Memoir of Sir James Melville.



HALHILL, ane of the Senatouris of our Soverane Lordis College of Justice the tyme of his deceis, quhilk wes in the moneth of Februar the year of God I<sup>m</sup> v<sup>c</sup>. lxxix yeris faithfullie maid and gevin up partlie be him self upon the thrid day of Januar, the yeir foirsaid and partlie be JAMES MELVILL, his sone adoptive, quhome the said umquhile Mr. Henry, the tyme foirsaid, be his latterwill underwritten, nominat, constitut, and maid his Executour testamentar, as the same at lenth beiris.

“In the first, The said James Melville executour foirsaid grantis that the said umquhile Maister Henry had, the tyme of his deceis foirsaid, the gudis, and geir following pertening to him as his awne proper gudis and geir, viz., Upoun his manis of Halhill, sextene drawand oxen and price of the pece v. lib. vj. s. viiij. d. summa lxxxv. lib. vj. s. viij. d. Item, foure ky, thair of tua weth thair followaris, price of the pece ourheid iij. lib. summa xvj. lib. Item twa stottis, price of the pece xl.s. summa. iij. lib. Item xxij. zewis, price of the pece xv. s. summa xvij lib, v. s. Item xxxiiij. hoggis price of the pece x. s. summa xvij lib. Item in the barne and barneyard of Halhill, lxx. bollis of aittis, price of the boll ourheid, xij. s. iij. d. summa xlvj. lib. xij. s. iij. d. Item, in ten bollis of peis, price of the boll xx. s. summa ten lib. Item xxvij. bollis of beir, price of the boll xxvj. s. viij. d. summa in money xxxvj. lib. Item threttene bollis of quhete, price of the boll thretty shillings summa xix. lib. x. s. Item in utensilis and domicilis, by the airschip, estimat to xxvj. lib. xij. s. viij. d.

“Summa of the Inventar ij<sup>c</sup>. lxxviij. lib. viij. s. iij. d.

“Followis the Dettis awing to the Deid. Item, Thair was awing to the said umquhile Mr. Henry be his tennentis of Petconty, of the fermes thair of, for the crop and yeir of God I<sup>m</sup> V<sup>c</sup> lxxix yeiris thre chalderis, nyne bollis victuall, price of the boll. xx. s. summa lix. lib. Item be Johne Brad for the males of the bowhous of the Mertymes terme preceeding his deceis nyne lib. Item be the tennentis of Lethame of thair teindis of the said yeir x. lib. x. s. Item, be Duncane Levingston, collectour of the Quotis of the Testamentis of Contributioun appertening to him as ane of the Lordis of the Sessioun, conforme to Robert Scottis clerk thair of ticket maid thairupon thrie skoir nyne pundis viij. s. And becaus it mycht happin that the said umquhile Mr. Henry had introumettit with mair of the Lordis contributioun nor he aucht to haif done, thairfor he willit that

the same be recompansit and satisfet be the said sowme of lxxix. lib. viij. s., and payit thairwith.

“Summa of the Dettis awing to the deid j<sup>c</sup> xlviij. lib. xviiij.

“Summa of the Inventar with the Dettis, iiij<sup>c</sup> xxvj. lib. vj. s. viij. d.

“Item, the said umquhile Maister Henry grantit him to be awand to the Laird of Sanct Monanis ane hundreth pundis, to be payit howsone the airis of Culluthie redemis the fyve merk land of Sanct Monanis, quhilk I wodset to the Laird upon twa hundreth and fyftie merkis, becaus I gaif thame the reversioun upoun ane hundreth merkis alanerlie: Also, becaus in the contract maid betuix me and the said Laird, registrat in the bukis of Counsale I was obleist to gif him ane hundreth pundis money, and he being desirous to haif that hundreth pundis put in the reversioun, to the effect the saidis landis suld be the langer unredemit: Thairfoir, he consentand to the discharge of ane hundreth merkis contenit in the said contract, he aucht to haif but onlie the said hundreth pundis utherwayis na thing but as law will, for I am na forder obleist.—Item, I am awand for the few males of Halhill, of the Mertymes terme preceding my deceis, nyne pundis xxvij. s. iiij. d. Item for the few males of Petcontie and Muirfeild of the Witsunday and Mertymes preceding his said deceis xxij. lib. ij. s. Item to Helene Boiswell for hir fe as his Wife’s testament beiris, tuelf pund. Item to the said James Melvill exectutour, gevin up to be awing to Johne Rutherfurd, for his half yeiris fe liij. s. iiij. d. Item to Alexander Duncane for his fe xx. s. Item to Alexander Johnstoun for his fe xx. s. Item to Isobell Robertsoun for hir fe lix. s. Item for the Witsunday males of his chalmer, xij lib. Item to Thomas Davidsoun ypothecar for medecine geven to the defunct and as his acquittance gevin thairupoun sen his deceis beiris, nyne pundis tua schillingis vj. d.

“Summa of the dettis awing to the deid I<sup>c</sup> lxxij. lib. xv. s. ij. d. Restis of fre geir, the dettis deducit, iij<sup>c</sup> xxxiiij lib. xj. s. ij. d. Na division.

“Followis the Deidis Latterwill, and Legacie maid be him upoun the thrid day of Januar 1569 yeiris, befoir Johne Robertsoun and Johne Rind, witnesses.

“In the first, The said Maister Henry constitut his sone adoptive JAMES MELVILL, his only Executour and intromettour with his heill movable gudis. And becaus the gudis that he had ar only the plenising of his landis and manis he himself could make no

special inventour thair of but committit the same to Thomas Myldis, his greve to be maid be him with aviss of his said sone quhilk he appeirit to be als sufficient in all pointis as gif he had maid and subscrivit the same with his awin hand. Item he ordinit quhatevir be contenit in Alexander Clerkis compt buke the same to be payit with uther small trifflis and soumes. Item he left to Thomas Fyllane, ane boy at the scule with Maister William Rind, in Sanct Johnestoun to put him to ane craft fourtie pundis: Of the quhilk he willit to haif na diminutioun notwithstanding, peradventure he left mair nor his fre gudis extendit to. Item to Johne Robertson, twentie pundis. Item to Alexander Clerkis wyf his awne horse that he raid on becaus he is not ane horse to pas in testament, as airschip; nor yit willit he that the horse he gaif to the said Johne Robertson be put in testament becaus I disponit the same to him twa yeiris syne. Item in ane taken to Alexander Clerk he left the lang burd, the lang sadill, and furme thairwith. Item the bed that he lay in he left to the hospital, tymmer, and all utheris thingis pertaining thairto except the cover thair of. Item he left to his said Sonis wyf his damuss gown lynit with velvet and the rest of his claithis of silk he left to be disponit to his said Sone. Item he left to him the haille airschip and utheris quhatsumevir being in the Halhill to his awne use, except any fute of silver to ane cup with ane vice, quhilk pertenis to the said Helene Boisswell and is hir awne. Item he left his ryding coit and cloik to the said Thomas Myldis.

“Item to Williame Patersoun, wrytar, my gown of serge, lynit with blak furring, and pewit in the breist with his Bibill. Item to Christiane Scheves, sister to Patrick Scheves xx. lib. gif it may spair; and the rest gif ony be, I commit to the discretioun of my said Sone to gif to the purest and maist neidfull of my freindis. And ordanis the Witsundayis chalmer maill and servandis feis to be payit of the reddiest of my gudis. Item, levis to the pair of Edinburgh, ten pundis. Item, to the boy of my chalmer, Johne Thomsoun xls.

“Sic subscribitur,

“Maister Henry Balnaves of Halhill, with my hand.

“Item upon the xx day of Januar the yeir above written he left to Patrik Scheves of Kenback foure scoir merkis nochtwithstanding that he wes curatour to him and that the said Patrik wes in his danger, and he not in his, and for helping him to pleneis his grund.



Providing that gif it salhappin him to call or pursëw his executouris or intromettouris with his gudis for ony caus preceding of the said Maister Henry, in that cause he willit be thir presentis, that his legacie expire and be null of the self. And that the comptis be haid of his tyme of his curatorie as salbe geven up.

“Sic subscribitur,

“Mr. Henry Balnaves of Halhill, with my hand. Ita est. Willielmus Patersoun Notarius in premissis requisitus.

Summa quote tuentie merkis

“Compositio

quote

xx merkis.

“We, Mrs. Robt. Maitland &c Commissaris of Edinburgh, speciallie constitute for confirmatioun of testamentis, be the tennour hereof, ratefeis, appreis, and confermis this present Testament or Inventour insafar as the samin is dewlie and lauchfullie maid of the gudis and geir above specifit and gevis and committis the intromissioun with the samin to the said JAMES MELVILL, sone adoptive to the said umquhile Mr. HENRY BALNAVES, his onlie executour and intromettour with his hail movabill gudis-conforme to the latter will above writtin, reservand compt to be maid be the said James thair of as accordis of the Law. And he being sworne has maid fayth trewlie to exerce the said office and hes fundin cautioun that the gudis and geir above specifit salbe furth-cumand to all parteis havand interes as law will; as an act maid therupoun beris.”

Balnaves' Treatise on Justification has been reprinted by Dr. David Laing, in the Appendix to the third volume of John Knox's Works (Wodrow Society edition). The following poem, ascribed to him by George Bannatyne, contains, under the form of advice to hunters, many salutary counsels for the guidance of the young and inexperienced. It has been carefully transcribed from the Bannatyne MS., preserved in the Advocates Library (vol. i., fol. 138a :)—

“O gallandis all I cry and call,  
Keip strenth quhill that ye haif it,  
Repent ye sall, quhen ye ar thrall  
Fra time that dub \* be lavit.

\* Pool.

“ With wantoun yowth, thocht ye be cowth \*  
 With curage he† on loft;  
 Suppoiss grit drowth cum in your mowth  
 Be ‡ war drynk nocht our oft.

“ Tak bot at list, suppoiss ye thrist,  
 Your mowth at lasar § cule  
 In mynd solist || weill to resist  
 Langer lestis ¶ yeir nor yule

“ Thocht ye ryd soft, cast nocht our oft,  
 Your speir in to the reist \*\*  
 With stufe vncoft, †† sett vpoun loft,  
 Anuch is evin a feist

“ In luvis grace, suppoiss ye trace  
 Think and your sell abune,  
 Ye ma percaiss cast Daweis ess ‡‡  
 And swa be lochit §§ sone

“ Fra tyme ye stank in to the bank,  
 And drypoynt puttis in play,  
 Ye tyne the thank, man, hald ane hank  
 Or all be past away

“ Fra thow ryn towme, ||| as I presowme,  
 Thow hes bayth skaith and skorn  
 Thè to consowme with fire allume,  
 That bourd may be forborne

“ Far in that play gif I suth say,  
 Gud will is nocht allowit,  
 Gif thow nocht may, ga way, ga way,  
 Than art thow all forhowit ¶¶

“ Considerance hes no lovance,  
 Fra thow be bair \*\*\* thair ben,  
 At that semlance is no plesance,  
 Quhen pithless is thy pen.

\* Familiar.

† High.

‡ Beware.

§ Leisure.

|| Careful.

¶ Endures.

\*\* Rest.

†† Unbought.

‡‡ Ace.

§§ Ensnared.

||| Empty.

¶¶ Forsaken.

\*\*\* Bare.

- “ Quhen thou hes done thy dett abone  
 Forfochin in the feild ;  
 Scho will say sone \* gett thee ane spone,†  
 Adew baith speir and scheild
- “ Fra thou inlaikis ‡ to lay on straikis,  
 Fra hyne,§ my sone, adew,  
 Than thy rowme vaikis,|| ane vder it taikis,  
 That solace to persew
- “ Quhill branys ar big, abone to lig,  
 Gud is in tyme to ceiss,  
 To tar and tig, ¶ syne grace to thig  
 That is ane petouss preiss
- “ Thairfoir be war, hald the on far  
 Sic chaif wair for to pryiss,  
 To tig and tar syne get the war \*\*  
 It is evill merchandyiss
- “ Mak thou na vant our oft to hant  
 In placis dern †† thair down ;  
 Fra tyme thou want that stuff is skant  
 To borrow in the toun.
- “ Few honour wynniss in to that innys  
 For schutting at the schellis ‡‡  
 Out of thair schynnis the substance rynniss,  
 Thay gett no genzell ellis.
- “ In tyme latt be I counsall the,  
 Vse nocht that offerand stok ;  
 Quhen thay thè se thay bleir thyne  
 And makis at thee ane mok
- “ Thocht thou suppoiss haif at thy choiss  
 I reid thè for the nanis ;  
 Keip stuff in poiss, tyne §§ nocht thy hoiss, |||  
 Wair nocht all in that wanis.

\* Soon.

† Spoon.

‡ Wants.

§ From hence.

|| Gets vacant.

¶ Touch.

\*\* Worse.

†† Secret.

‡‡ Shells.

§§ Lose.

||| Hose.



“Fra tyme scho se, vndir thyne è  
 The brawin away doun muntis,  
 Than game and glè ganis nocht for thè,  
 Thow man latt be sic huntis.

“Fra thow luk chest, adew that faist  
 To hunt in to that schaw;  
 Quhen on that beist at thy requeist,  
 Thy kennettis \* will nocht kaw.

“Within that stowp fra tyme thow sowp,  
 And wirdis to be sweir;†  
 And makis a stop quhen thay suld hop,  
 Adew the thrissill deir

“Thairfoir albeid thy houndis haif speid  
 To ryn our oft latt be,  
 In thy maist neid sum tyme but dreid,  
 Thay will rebutit be.

“Our oft to hound, in vnkowth ground  
 Thow ma tak vp vnbaittit;  
 Thairfoir had bound thocht scho be found  
 Or dreid thy doggis be slaittit.‡

“Scho is nocht ill that sittis still  
 Persewit in the sait:  
 That beist scho will gif thee thy fill,  
 Quhill thow he evin chakmait:

“Suppoiss thow renge our all the grenge,  
 And seik baith syk and swchè,  
 Til will scho menge, § and mak it strenge  
 And gif the evin anwche

“Thair with awyiss,|| suppoiss scho ryiss  
 Laich vndir thy fute;  
 Bot thow be wyiss scho will suppryiss,  
 Thy houndis and thame rebute:

\* Hounds.      † Indolent.      ‡ Exhausted.  
 § Soothe.      || Advise.

“In tyme abyd, the feildisär wyde  
 I counsall thè gude bruder ;  
 Evill is the gyd \* that saillis bot tyde  
 Syne rakless is the ruder.

“Hunttaris adew gif ye persew  
 To hunt at every beist ;  
 Ye will it rew, thair is anew,  
 Thairto haif ye no haist.  
 With ane O and ane I, ye huntaris all, and sum  
 Quhen best is play, pass hame away, or dreid war  
 efter cum

“Quoth BALNEVIS.”

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#### JOHN DAVIDSON.

John Davidson was born about the year 1549 at Dunfermline, where his parents were owners of property in houses and land.† At Dunfermline ministered Mr. David Ferguson, one of the six original ministers of the Reformed Church, a man of fervent piety and an effective preacher. Attracted by Mr. Ferguson's ministry, Davidson, it is supposed, proceeded on his counsel to cultivate learning. He entered St. Leonard's College, St. Andrews, in 1567,‡ and after the usual curriculum obtained graduation. Appointed a Regent of that College, he prosecuted in private the study of theology. Introduced to John Knox, he became an associate of that great Reformer, imbibing a portion of his undaunted enterprise and religious zeal. Knox encouraged dramatic representations in exposure of Romish error, and Davidson composed a play to gratify his tastes. In 1572 Mr. James Melville, in his Diary, writes thus :—

“This year, in the monethe of July, Mr. Johne Davidsonsone, an of our Regents, maid a play at the mariage of Mr. Jhone

\* Guide.

† Charter of Mortification, by John Hamilton of Preston, dated 19th November, 1615, in the possession of the Kirksession of Prestonpans.

‡ Records of St. Leonard's College, St. Andrews.

Colvin, \* quhilk I saw playit in Mr. Knox presence ; wherin according to Mr. Knox doctrine, the Castle of Edinbruche was besieged, takin, and the Captan, with an or twa with him, hangit in effigie." †

Davidson's next literary performance was a poem entitled, "Ane brief Commendation of Vprichtness," in celebration of John Knox ; it was accompanied by a poem on the Reformer's death. These compositions were printed by Robert Leprevick, at St. Andrews, in 1573. Not long afterwards another poetical tract, composed by Davidson, was issued anonymously, under the title, "Ane Dialog, or Mutuall Talking betuix a Clerk and ane Courteour, concerning foure Parische Kirks till ane Minister." This composition was intended to satirize a proceeding of the Regent Morton, which was obnoxious to the clergy. With a desire to appropriate for his own use an undue proportion of the thirds of benefices, Morton passed an order in Council for uniting several parishes under the ministry of one man. Though the measure revived one of the worst abuses of the unreformed Church, the bulk of the clergy were unwilling to offend the Regent by an open protest. Davidson composed his poem without intending to circulate copies, unless in MS.; but without his sanction it was printed and published. The Regent was deeply offended, and under the provisions of an Act of Parliament passed in 1551, against "blasphemous rymes," warded Leprevick, the printer, in Edinburgh castle, and summoned Davidson before a justice-ayre at Haddington. Acknowledging the authorship, Davidson was sentenced to imprisonment, but was liberated by the Regent, in the belief that the University of St. Andrews, or the General Assembly of the Church, would be induced to censure him. Several members of the University were found willing to gratify the Regent, but the majority would not

\* Autobiography and Diary of Mr. James Melville, edited by Robert Pitcairn, Edinburgh, 1842, 8vo., p. 27.

† This person, sometime a Presbyterian Minister, became an apostate by embracing the doctrines of the Church of Rome. Melville's Diary, p. 65.



acquiesce in an unfavorable verdict. John Rutherford,\* Provost of St. Salvator's College, sought to conciliate Morton and gratify personal resentment by composing a metrical rejoinder. The General Assembly met at Edinburgh in March, 1574, when Davidson and Rutherford were ordered to produce their poems. Rutherford sought to excuse himself, but the Assembly insisted that he should read his composition in open court. Complying with the deliverance, he proceeded to acknowledge that he had sought revenge on Davidson, who had in his poem called him "a crusit goose."† He withdrew the severer portion of his rejoinder, and the General Assembly resolved to proceed no further in the case.

Both the University and the Church having failed to execute his wishes, the Regent summoned Davidson before the Privy Council in June, and commanded him, under pain of immediate imprisonment to find security for his appearance. Due security was forthcoming, and many leading persons entreated the Regent to terminate hostilities. He was inexorable, and Davidson was advised to conceal

\* Calderwood's History, Wodrow edit., vol. iii., pp. 301, 309.

† The passage in Mr. Davidson's poem which offended Rutherford was the following :—

"Thair is sum Colleges we ken  
Weill foundit to vphold leirnit men,  
To teiche the youth in letters gude,  
And vtheirs also that ar rude ;  
Amang the rest foundit we se  
The teiching of theologie,  
With Rentis sum studentis to sustene  
To that science to give thame clene.  
Lat anis the Counsell send and se  
Gif thir places weill gydit be,  
And not abusit with waist rudis  
That dois nathing bot spendis yai gudis  
That was maid for that haly vse  
And not to feid ane Crusit Guse."

Rutherford was addicted to irascibility (Dr. Lee's "Lectures on the Scottish Church," vol. i., p. 253, *note*), hence Davidson's comparison of him to a goose which, set on eggs, hisses angrily or crustily at all approaching it.

himself. In his retirement he experienced the active friendship of Robert Campbell of Kinzeancleuch, Ayrshire, a cadet of the House of Loudoun, and an intimate friend of Knox. This excellent individual for a time sheltered Davidson at his residence. He afterwards accompanied his visitor to Rusko, a seat of Gordon of Lochinvar, where he was seized with an ailment, which proved mortal. Campbell's wife, a most estimable woman, survived her husband only two months. In his solitude Davidson composed a poetical tribute to the memory of his benefactors. The composition remained in MS. for twenty years; it was printed by Robert Waldegrave in 1595, with the title, "A Memorial of the Life and Death of two worthye Christians, Robert Campbel, of the Kinyeancleugh, and his wife, Elizabeth Campbel."

Davidson, while under hiding in Argyleshire, sent to the Regent a letter of admonition and warning.\* He afterwards retired to England, and it is supposed that he visited the Continent. He remained in exile about three years. At length, on the strong representation of the General Assembly† in Oct. 1577, Morton permitted his return. In 1579 he was appointed to the pastoral charge of Liberton, near Edinburgh. It was his singular fortune to hold an interview with his great enemy on a most eventful occasion. When Morton, in June, 1581, was under sentence of death, Davidson was, with several of his brethren, admitted to his presence. Morton embraced him and said, ‡ "Yee wrote a little book indeed; but truelie I meant never evill towards you in my pairt; forgive yee me, and I forgive you." Overcome with emotion, Davidson heartily forgave the fallen ruler.

In April, 1581, Davidson was appointed one of the commissioners to examine into the conduct of certain ministers

\* Calderwood, vol. iii., pp. 309, 328.

† Book of the Universal Kirk, edited by Alexander Peterkin, Edinburgh, 1839, p. 166.

‡ Calderwood, vol. iii., p. 573.

accused of leading scandalous lives. In February, 1582 he was presented to James VI., who had recently entered on his regal functions. Of the occasion he availed himself to entreat the monarch to repel the enemies of religion as keenly as the enemies of his government. During the same year he took part in a controversy attended with notable consequences. In 1581 Mr. Robert Montgomery, minister of Stirling was, through the influence of Esmè, Duke of Lennox, appointed Archbishop of Glasgow. Resolved on the suppression of the episcopal order, the General Assembly charged Montgomery with corrupt doctrine and pastoral negligence. By Davidson's counsel, he agreed to submit himself, but he afterwards withdrew his promise, and was by the General Assembly of April, 1582, deposed from the ministry. On Saturday, the 9th June, Davidson was appointed by the Presbytery of Edinburgh to pronounce against him the sentence of excommunication. Davidson did so the day following in the church at Liberton, and the act was intimated by his brethren from their several pulpits. A royal proclamation calling on the citizens to disregard the sentence was posted on the cross of Edinburgh; but it proved inefficacious, for Montgomery had to leave the city in circumstances of disgrace. Davidson experienced personal danger. The Duke of Lennox had publicly styled him *un petit diable*; and apprehending assault at the instance of that personage he was for ten successive Sundays accompanied to the pulpit by an armed escort. Unable to inflict summary chastisement on the opponent of his *protégé* Lennox obtained a royal commission, empowering him to act as president of an assize for the trial of those concerned in Montgomery's degradation. The assize was to sit at Edinburgh on the 27th of August, but the Raid of Ruthven effectually interposed. On the 22nd August, the king on his return from hunting was seized by the Earl of Gowrie and others, and carried to Ruthven Castle, and was there constrained to revoke his commission, and send Lennox into exile.

By appointment of the Church, Davidson in October, 1580,



waited on the barons of Lothian and Teviotdale to procure their signatures to a bond for securing proper counsellors to the king. On the 22nd January, 1583, he accompanied to court a deputation from the Presbytery of Edinburgh, sent to entreat the king to be on his guard against the French ambassador. When the other deputies had withdrawn Davidson remained with the king, and rigorously reproved him for using oaths. At a conference in the following July, he warned the monarch that should his conduct prove inconsistent with his promises, the Church would "condemn sin in whatsoever person." When James sought to prosecute certain ministers who openly commended the Raid of Ruthven, Davidson discoursed on the evil character of Manasseh, and warned the king to desist from interfering with the spiritual authority.

On the failure of a second attempt to control the king's person, Davidson, though not privy to the plot, made common cause with the Protestant lords, and along with several of his brethren accompanied them to England. At Newcastle he addressed to the exiled noblemen a letter of exhortation. Resigning their spiritual superintendence to Mr. James Melville,\* he made a journey to London. He soon became known at the English court, where, in allusion to his vehement oratory, he was designated "the thunderer." The Protestant lords were recalled in November, 1585, and on the 6th day of that month Davidson and his clerical associates were addressed by leading brethren assembled at Stirling, in the following communication : †—

"To their loving brethren, Mr. James Carmichael, Mr. John Davidson, Mr. James Melvil, and the rest of the Scottish sojourners there, give these at London, in Honie Lane, in Mr. Antonie Martine's house."

\* Mr. James Melville's *Diary*, Wodrow edit., p. 172.

† Wodrow's "Collections upon the Lives of the Reformers and Most Eminent Ministers of the Church of Scotland," Glasgow, 1834. 4 vols. 4to. vol. i., p. 182.

The letter runs thus:—

“Breitheren, we salute you hairtilie in the Lord. It has pleasit our God in his gudnes to offer occasion of liberty to his Kirk at this present within this countrie, while of the multitude of his mercy we houp he shall forder advance, praying you with all diligence, as ye are zealouse of the common cause, to repair hierfor toward this countrie ; that be mutuall conference we may (as our God will give us the grace) concurre and mutually put our hands to the work concerning the glory of our God and the advancement of the kingdom of his Son Jesus Christ, whose Spirit rest with you and conduct you.

“From Streveling, the 6th day of November, 1585. Robert Pont, Mr. Johne Crag, Andrew Melvine, Mr. Andrew Polwart, James Anderson, Patrick Gillespie, Walter Balcanquell, Mr. P. Galloway, Mr. Robert Bruce.”

On his return to Scotland Mr. Davidson was invited to resume his ministrations at Liberton, but he preferred to discharge the work of an evangelist, without a stated charge. For several years he frequently preached in the East Church of Edinburgh. In 1590 he officiated as minister of the second charge of the abbey of Holyrood.

Though the Scottish Reformers moulded their church after the Genevan model, which dispensed with the episcopal order, they were not unwilling that persons of weight and authority should exercise a general oversight. As overseers in the several provinces, Superintendents were appointed, and the more experienced clergy were from time to time invited by the General Assembly to report on the diligence of the younger brethren. The office of bishop was not altogether obnoxious, and the designation would have been readily conceded to eminent theologians, who might have been chosen to preside at provincial synods. But prelacy became obnoxious, first from the king's determination to thrust it on the Church, and secondly, because those appointed as bishops were the least devoted of the clergy. There was a prospect of an amicable adjustment, when the injudicious procedure of an English Churchman intensified the bitterness of conflict. Dr. Richard Bancroft, chaplain to the Lord Chancellor, preached

a discourse in which he asserted the divine right of bishops as a distinct order from presbyters, and proceeded in vituperative terms to denounce the discipline of the Scottish Church. The discourse was preached at St. Paul's Cross on the opening of Parliament in February, 1588, and was afterwards printed for circulation. The Scottish clergy were indignant, and at the instance of the Presbytery of Edinburgh Mr. Davidson published a reply.\* This composition was suppressed by order of the king, and Robert Waldegrave, the printer, was commanded not to use his types on any MS. without previously obtaining the royal sanction.†

The strict observance of the Sabbath was rigidly insisted on by the Church.‡ This was most obnoxious to the king, who used every effort to procure a relaxation. In furtherance of his design he determined that his queen, Anne of Denmark, should be crowned on a Sunday. To this resolution Mr. Davidson led a stout and pertinacious opposition. But the king was inexorable. Anne of Denmark was crowned queen on Sunday, the 17th May, 1590.

Preaching at Edinburgh on Sunday, the 6th June, 1591, in presence of the king, Davidson admonished him with pointed severity. Next day he was brought to court, when the king demanded that he and his brethren should desist from using public censures. Davidson insisted on the privilege of his order, and counselled the monarch to use his regal authority "against malefactors not against ministers."§

In the exercise of discipline the fathers of the Scottish Church claimed spiritual authority in every household. By

\* Mr. Davidson's publication was entitled "A briefe Discovery of the Vntruths and Slanders against the true Government of the Church of Christ contained in a Sermon preached by D. Bancroft."

† Miscellany of the Wodrow Society, vol. i, pp. 469—524.

‡ With some inconsistency on the subject of Sabbatic observance, the General Assembly, when trying the question between Davidson and Rutherford about the "crusit goose," ordered the latter to produce his book upon "Sunday at 4 hours afternoon."

§. Calderwood, vol. v., p. 130.



the different presbyteries, families of elevated rank were, for the sake of example, inspected with rigour. On the 8th and 10th December, 1591, Mr. Davidson, with two of his brethren, visited the king ministerially at Holyrood Palace. On the 17th of the same month he obtained a private interview with his Majesty, when he conveyed to the sovereign the opinion of the Church, that at his hands justice was neglected, incapable magistrates appointed, and clemency to offenders wrongfully exercised. He requested the king to remove the comptroller of his household, change his "elders," and cause the Scriptures to be read in his presence both when he dined and supped.\* Whether the king gave full compliance is not known, but he certainly did not venture on any open resistance.

The restoration to royal favour of the Duke of Lennox and the Earl of Arran was obnoxious to a portion of the clergy. On two Sundays in December, 1592, Mr. Davidson publicly denounced these noblemen in his severest manner, and inveighed against their reception among Christian men. Informed of his procedure, the king styled Davidson "a writer of ballads and playbills," and commanded the Provost of Edinburgh to prohibit his again preaching in the city. Some of his friends lamented his excess of zeal, and entreated him to offer reparation. Influenced by their counsels, he in a subsequent discourse recalled or qualified his denunciations, but for some months he continued his ministrations at Edinburgh in defiance of the royal will. At length, apprehending serious consequences, he in a discourse preached in the city on the 18th March, 1593, announced that owing to "the molestation of wicked persons" he would suspend his labours.† He again preached at Edinburgh on Sunday, the 22nd July, when he denounced as "black" the parliament which had sat in the city the week before, and designated as arch-traitors and persecutors, some of the king's special favourites. When occasion suited he was not more sparing of his

\* Calderwood, vol. v., p. 140.

† *Ibid.*, vol. v., pp. 188, 191, 238.

ministerial brethren. Preaching before the Synod of Fife, at St. Andrews, on the 26th September, he reproved the members for negligence, worldliness, and lack of zeal. On a public fast, in June, 1594, he discoursed in the High Church of Edinburgh on ministerial defection, maintaining that his brethren were "daubed with untempered mortar," and sought more the welfare of their wives than their own improvement in theology. In this discourse he thanked God that the king had, contrary to his intention, done service to the Church; adding that nothing good from him might be looked for till he was brought to repentance. Pointing to the royal pew, the king being absent, he expressed a hope that its royal owner would no longer exalt himself, but "seek pardon on his knees." He described the nobles as oppressors of their tenantry, and condemned the commons for imitating their vices.\*

Though esteemed for his ministerial earnestness and private virtues, the presence of Mr. Davidson at the capital was attended with embarrassment. To the less ardent section of the Church his denunciations were obnoxious, while the foremost of his own party could not maintain that he always expressed himself discreetly. He was counselled to accept a rural charge. In the spring of 1595 he was named for the second charge of Haddington, but proceedings for his settlement were suddenly broken off. On the 5th November, 1595, the presbytery of Haddington took initiatory measures for his being called to the ministry "at South Preston and ye Panns, east and west, and ye haill bounds yairabout, belonging alsweill to my Lord Newbottle, as to ye laird of Prestoun." Mr. Davidson demanded "a lawful call," and in order thereto preached at Salt Preston on the 19th November, and again on the 17th December. By the people he was cordially invited to become their pastor, and Lord Newbottle having expressed concurrence, his induction was proceeded with. That event took place on the 5th January, 1596, when Mr. Davidson made a long address to his flock, and proposed to

\* Calderwood, vol. v., p. 338.

them certain religious stipulations.\* On the 9th December he had preached a valedictory discourse at Edinburgh. In that discourse he used these words :—

“I came not hither by haphazard, but sent of God more than sevin yeeres since. So long as I had place to teache, I dealt faithfullie, according to the meane measure of knowledge bestowed on me, after a rude and familiär way, of verie purpose for edificationoun’s sake ; whereas I could have done otherwise if my conscience would have suffered me. It was compted rude and rough by manie ; but I thanke God I wist what I spake. So that I have uttered nothing against prince, preacher, or people, which I have not my warrant for, and by the helpe of God will stand to the defence of it, in the face of man or angell. So that my first preaching and last are one, without differing, to witt, that the princes of the land, the king, the chiefe prince with the rest of the rebellious nobilitie, the profane ministrie are negligent for the most part to winne soules, and the rebellious multitude sall be severlie punished except they repent. I have sought to be away, but could not till now that it has pleased the Lord to ryppin my departure. It was nather a drinke of the Muse Well, nor anie other benifite in Edinburgh, that drew me to it like an adamant stone, as some speeke, or that kepted me heere ; but the mightie hand of God sent me hither, for causes known to Him. And so having cleered my ministrie hitherto, I take my leave of you in Christ.”

The appointment of Mr. Davidson to the church of Prestons seems to have been attended with a revival of religion in the parish and district, for on the 10th March, 1595-6, the Presbytery Record contains the following minute :—

“The haill gentlemen being required to reform their houses and use prayers at morn and evening, with reading of the Scriptures after dinner and supper, promised to obey ; and for execution thereof every minister was ordered to visit their houses and see whether it was so or not ; and for behoof of the unlearned Mr. John Davidson was ordained to pen short morning and evening prayers, with graces before and after meat, to be communicated to each minister for behoof of his flock.”

\* Records of Presbytery of Haddington.



The Presbytery met on the 17th March, when the forms of prayer prepared by Mr. Davidson were approved. These were as follow:—

“EVENING PRAYER.

“We heartlie thank thé Hevinlie Father, for all thi goodnes this day past, beseiking thé to forgive us our sinnes for Christ Jesus thi Sonnes saik, and to bless us, and give us good rest this nycht. Continueu the treu preaching of thi Word among us, and give us grace to esteme moir of it than hitherto we have done, and save us from merciles strangeris. And tak not thy peace from this land. Send us sesonabill wether, and stay this great derth. Lord blis the kirk, our King, Quene, and Prince, for Jesus Christ thi Sonnes saik. To quhome, with thé, O Father and Haly Gaist, be all praise, gloire, and honour, for ever and ever. Amen.”

“MORNING PRAYER.

“We hairtlie thank thé Hevinlie Father for all thi goodnes this nycht past, beseiking thé to forgive us our sinnes for Christ Jesus thi Sonnes saik, and blis our labouris and guid us this day in thi treu feire. Continueu the treu preaching of thi Word among us, and give us grace to esteme moir of it than hitherto we have done, and save us from merciles strangeris. And tak not thi peace from this land. Send us sesonabill wether and stay this greit dearth. Lord blis the Kirk, our King, Quene and Prince, for Christ Jesus thi Sonnes saik. To quhome with thé, O Father and Haly Gaist, be all praise, gloire and honour, for ever and ever. Amen.”

“GRACE BEFOIR MEIT.

“Blis us, gude Lord, and ther thi creatures, quhilk thé prepairest for our nurishment, through Jesus Christ our Lord. Amen.

“GRACE EFTER MEIT.

“Blissit be you, O Lord, for this nurishment of our bodies at this tyme, and mekle mair for the continuall nurishment of our saullis, by Christ crucefyit. To quhome with the Father and the Haly Gaist be praise and gloire for ever. God save the Kirk and cuntrey, King, Quene, and Prince. Amen.”

From the period of the Reformation the Church of England has been under the government of the sovereign. The

Reformed Church of Scotland, established in opposition to the royal will, at once proceeded to exercise a kind of independent jurisdiction. That jurisdiction not infrequently extended beyond the strict limits of the ecclesiastical province. It occurred thus: Parliaments were summoned at intervals, and their decisions did not much affect or concern the majority of the people. But the General Assembly of the Church, consisting of representative clergy and lay elders, met frequently, and in its deliberations the multitude evinced a deep interest. Its principal deliverances were published from every pulpit, and were regarded with a veneration not dissociated from superstition. During the autumn of 1595 Philip II. of Spain reawakened the terror which had subsided on the destruction of his Armada. Having become master of Calais, he began to prepare at that port a fleet and military force, intended, according to report, for a descent upon the Irish coast. The English Government diligently prepared for resistance, and the Scottish Privy Council promised co-operation. That promise implied the levying of a tax, and its imposition could only be carried out under the approval of the Church. The Privy Council therefore communicated with the Presbytery of Edinburgh, and on the 24th March, 1596, the General Assembly was convened. Mr. Robert Pont, the Moderator, entreated the brethren to sanction the civil arrangements for defending the kingdom. Submitting an overture from the Presbytery of Haddington, Mr. Davidson contended that deep humiliation on account of sin was the first and best preparation against national disaster. A resolution embodying this view was passed by acclamation, and Mr. Davidson was empowered to "give up the particular catalogue of the chief offences and corruptions in the estates." Apprehensive that the resolution had a special reference to himself, the king next day entered the Assembly. Proceeding to entreat the House to sanction the proposed tax, he was firmly informed that "the purging of offences" in the first instance had been resolved upon. With the approval of the House Mr. Davidson insisted that the

estates of the exiled Popish lords,\* still held by their families, should be confiscated, and the proceeds applied to national uses. To this demand the king gave an evasive answer, but he expressed himself willing to undergo ecclesiastical discipline, provided that the censure was administered privately, and not publicly in church. He was held at his word; and a few days afterwards was informed by a deputation from the Assembly that he was "blotted with banning and swearing, and that the Queen was guilty of forsaking ordinances."

The "purgation" of the ministry was entrusted to Mr. Davidson. On Tuesday, the 30th March, 1596, the members of Assembly and other brethren having met in "the Little High Church," Mr. Davidson discoursed on the evils of an ungodly ministry, and urged his hearers to repentance and self-abasement. For fifteen minutes he sat down and remained silent, when many of his hearers became deeply moved and sobbed audibly. After another impassioned address, he called on each one to stand up, and with extended hand to pledge himself to a more earnest ministry. "There have," writes the historian Calderwood, "been manie dayes of humiliation for present judgments or imminent dangers, but the like for sinne and defectioun was thus never seen since the Reformatioun."†

The General Assembly divided the country into districts, and to these appointed certain visitors for the surveillance of the clergy. The district of Nithsdale, Annandale, Lauderdale, and Eskdale was assigned to Mr. Davidson and five others.

In May, 1597, a General Assembly was held at Dundee, to consider whether the Popish lords who had lately professed conversion to Protestantism should be freed from excommunication, and whether it was proper to confirm a resolution of an extraordinary Assembly held at Perth, providing that the clergy should cease from interfering in civil affairs, and from naming publicly those who were obnoxious to them.

\* The Earls of Huntly, Erroll, and Angus.

† Calderwood, vol. v., pp. 394—406.

‡ *Ibid.*, vol. v., p. 420.



From an attack of sickness unable personally to attend the Assembly, Mr. Davidson addressed a communication to the brethren, exhorting them to resist the proposed measures, and so to withstand all encroachments on the ecclesiastical province. His advice was not followed, and moderate counsels prevailed.\*

On the 17th January, 1599, Mr. Davidson was admitted by the king to an interview at Holyrood. With his wonted vehemence he urged the monarch to confer familiarly with the clergy, and demanded that the right of publicly rebuking obnoxious persons might be restored to them. The king becoming impatient was about to retire, when Mr. Davidson "pulled him by the sleeve" and held him fast, till he had concluded his counsels.†

The Synod of Fife met in February. A royal measure for allowing the dignified clergy votes in Parliament having been brought up, Mr. Davidson denounced the proposal as a covert attempt to overthrow the Presbyterian government. "Busk him, busk him as bonnilie as yee can," he exclaimed, "and bring him in als fairlie as yee will, we see him weill eneugh; we see the hornes of his mytre."‡ The General Assembly met in March, when the king being present was reminded by Mr. Davidson that he sat there not as king, but as a Christian man. On the representation of the Church in Parliament being approved by a majority he read a formal protest maintaining that the Assembly was not free, and that the resolution was ineffectual. It was ruled that as none of the brethren signified adherence the protest should not be recorded. The king then took up the protest and carried it off. He proceeded to consult the Lords of Session as to how its author might be punished. Summary action in the civil court was deemed unsuitable, and a complaint addressed to the Presbytery of Haddington was suggested as a competent course. Accordingly, at a meeting of that judicatory, held at Had-

\* Calderwood, vol. v., 467, 631.

† *Ibid.*, vol. v., 678—680.

‡ *Ibid.*, vol. v., p. 681.

dington on the 22nd March, there appeared Mr. William Melvill, Commendator of Tongland, and Mr. David Makgill of Cranstoun Riddell, Senators of the College of Justice, who bore a royal letter in the following terms :—

“ Rex. Maister William Melvill, Commendator of Tungland, and Mr. David Makgill of Cranstoun Riddell, Senators of our College of Justice. It is our will that ye pas to ye Presbtrie of Hadington, and yair in our name and behalf complain to ye Moderator and brethren of the said Presbtrie upon ane of yair brether, Mr. John Davidson, minister at ye Pannis, upon certain heids of ye misbehaviour and offence committit aganist us be ye said Mr. Jhone in ye last General Assembly, holden at Dundee ye . . . . days of March instant, according to ye particular instructions given by us to you thereanent. Givand unto you full power bidding and chairge to prosecute ye said complaint against ye said Mr. Jhone, till ye said Presbtrie give yair final decision yairintill. Protestations in our name to make and instruments to craive as occasion sall require. Yairanent yir presents sall be your sufficient warrant and commission. Given under our sinet and subscriyvit wt our hand at Halyradhous, ye XXV day of March, 1599. Sic subscribitur. J. R. Elphinston, Secretar.”

Mr. Davidson not being present, a question arose in the Presbytery as to whether the Royal Commissioners should then be heard, as to His Majesty's complaint; it was ultimately ruled that he should be cited to a special meeting. At a meeting of the Court held on the 29th March Mr. Davidson appeared, when it was arranged that he, with some of the brethren, should wait on the King and offer some explanation. The Presbytery again met on the 5th April, when Mr. Davidson's case, on being brought up, was postponed on account of his sickness. The Presbytery met after another week, but as Mr. Davidson was still indisposed and absent a further adjournment was agreed to. The Commissioners protested; but the brethren were unmoved, and no further allusion to the process appears on the records. A Presbyterial visitation of Prestonpans parish was held on the 15th July, when “the minister being removed, the people were demanded if they

found anything in their pastor's life and conversation to find fault with. They answered they had nothing. Being demanded if he taught sensibly and planely, they all with ane voice thanked God for him." \*

Salt Preston was not, on Mr. Davidson's appointment, a regular parish. The locality formed part of the parish of Tranent,† and there were no endowments or ecclesiastical buildings. At Mr. Davidson's admission Lord Newbottle and Mr. George Hamilton, the laird of Preston, agreed to provide a suitable stipend and erect a church. Some weeks afterwards the former withdrew his promise, when Mr. Davidson made offer to the Presbytery to build a church at his own cost. This offer was accepted and executed ; and procuring a grant of land from the laird of Preston, Mr. Davidson proceeded to build a manse likewise. On the 27th December, 1597, the district was erected into a parish, called "the Vicarage of Preston."

At the visitation of the parish held in July, 1598, Mr. Davidson conveyed the manse to his parishioners on the condition that he and his representatives should be refunded the cost of erection, excepting "four hundred merks," which he bestowed as "a free gift."‡

Owing to feeble health Mr. Davidson was for three years unable to take any active part in the public business of the Church. To the General Assembly, which met at Burntisland in May, 1601, he addressed a communication, renewing his protest against ministers sitting in Parliament. "Shall we, brethren," he wrote, "sleep still on Delilah's knee, till she say, 'The Philistines be upon thee, Samson?'" Informed of his new protest, the king hastened to the Assembly, and assured the House of his firm determination to uphold the best interests

\* Record of the Presbytery of Haddington.

† There was a chapel, within what is still known as the West Kirk-yard, where religious service had been maintained by the ancient monastic superiors, but it had fallen into disrepair.

‡ Records of the Presbytery of Haddington.



of the Church. Returning to Holyrood Palace he summoned Mr. Davidson before the Privy Council, and demanded that he should at once enter ward in Edinburgh Castle. Davidson entered the castle on the 26th May, but was liberated on the following day. Five days afterwards he was permitted to resume his ministerial functions, but was restrained from travelling beyond the bounds of his parish.

On the 28th April, 1602, the Presbytery of Haddington resolved as follows :—

“Forasmekell as Mr. Jhone Davidson has remaned in ward within his own parochie this long time it was ordained that his case sh<sup>d</sup> be remembered to the Provincial assembly that some suit and dealing may be made to his maj<sup>tie</sup> for his relief.” \*

Mr. Davidson addressed the king on the 22nd June, in a respectful communication, entreating that his liberty as “a free subject” might be restored. He was answered that the final withdrawal of his protest would alone secure the royal clemency.

In March, 1603, James succeeded to the English throne. On the suggestion of the Presbytery of Edinburgh, Mr. Davidson approached his majesty with congratulations on his advancement, and an expression of earnest desire for his spiritual welfare. He sought permission to kiss the king’s hand. The occasion was opportune for the exercise of clemency. But James apprehended that Davidson’s renewed intercourse with his brethren might be inimical to the interests of the bishops. As in his progress southward he passed Prestonpans parish,†

\* Records of Presbytery of Haddington.

† At the close of the Minute-Book of the Kirksession of Prestonpans, there is, in Mr. Davidson’s handwriting, a short register entitled “The book of buriall within ye parish of Saltpreston, sen November, 1595.” It contains, under 1603, the following entries :—

“Thursday, ye 24th [March]. Queen Elizabeth departed at Windsor.

“1603. Apr 5th. The K ryding by to England. L. Seyton’s counterfit burial.” The latter reference refers to a funeral pageant got up to symbolize the grief of the nobility at the king’s leaving his ancestral kingdom.

the Provincial Synod met in the neighbourhood, and despatched a deputation to the king, praying that Davidson might be pardoned and admitted to homage. To the deputies James said angrily, "I may be gracious, but I will be also righteous, and until he suitably confesses his fault he may lie and rot there." The king passed to his English home, leaving Davidson, sick and infirm, confined within the bounds of his parish. It is not known whether any further attempt was made for his release. The end was near. He died between the 16th August, when a minute of his Kirksession appears in his handwriting, and the 5th September of the same year, when supply for his vacant pulpit was granted by the Presbytery. He was not older than fifty-six.\*

An accomplished scholar, and of industrious habits, John Davidson contemplated a Scottish martyrology, to be entitled *Catalogus Martyrum Scotiæ*. This work was intended to include notices of legendary saints, but the appearance of Camden's "Britannia," which propounded new views respecting the antiquity of Scotland, indicated the necessity for more careful research, and the undertaking was abandoned.†

Mr. Davidson composed "Memorials of his Time," a work which is frequently quoted by Calderwood, who in the original draft of his "History of the Church of Scotland," made special reference to his labours.‡ His "Apologie" and "Protestations and Letters are" incorporated in Calderwood's History. He composed the preface to a work entitled "Discoverie of the unnatural and traitorous conspiracy of Scottish Papists," Edinburgh, 1593. His chief publication in prose is a Catechism entitled "Some Helpes for young Schollers in Christianitie," Edinburgh, 1602, 8vo. This little work was in 1708 reprinted by Mr. William Jameson, Professor of History at Glasgow, who in a preliminary discourse § has exposed the

\* Dr. Scott's Fasti, i., p. 349.

† Calderwood's History, vol. vi., p. 212.

‡ *Ibid.*, appendix, vol. viii., p. 129.

§ "Mr. John Davidson's Catechism, to which is prefixed a Discourse, giving an account of this impression, as also containing several things

misrepresentations of Mr. Robert Calder, a clergyman of the Scottish Episcopal Church, who in the year 1703 published "a tractate," professing to be a recantation by Mr. Davidson of his sentiments respecting episcopal government.

Mr. Davidson's "Poetical Remains" were in 1829 collected and printed in a duodecimo volume, by Mr. James Maidment, of Edinburgh, but the impression being restricted to about fifty copies, the work is of great rarity. His Poems accompany the present memoir.

Mr. John Row, the historian, who knew Mr. Davidson personally, describes him as a learned man, and a worthie preacher, yea, a verie prophet of God; "for," he adds, "he foretold many things which came accordingle to passe, and that often when he was praying or blessing the Lord for refreshment of meat and drink." Examples of his prophetic power, quoted by Row,\* are of the following purport. Dining with one of the magistrates of Edinburgh, along with Mr. Robert Bruce, Mr. Davidson remarked that their host was destined to conduct Mr. Bruce to prison. Not long afterwards the king commanded that Mr. Bruce should be warded in Edinburgh Castle, and the duty of effecting his commitment devolved on his former host, the other magistrates of the city being at the time absent. On a Monday following the celebration of the communion at Prestonpans, Mrs. Ker, of Fawdonside, waited on Mr. Davidson to take leave of him. She was accompanied by her son John, who had lately returned from France, and who in the manner of the time wore a scarlet cloak and a short sword. "Away with those things," said Mr. Davidson to the young man, pointing to his attire; "I know you are a good scholar, and I charge you in God's name to take seriously to your books and studies, for you will be

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useful for determining of the Episcopal Controversy: by William Jameson, Edinburgh, printed for the author of the Discourse, Anno Dom. 1708."

\* Row's "History of the Church of Scotland." Wodrow Edition, 1842, 8vo., pp. 420-462.



minister of this place after me." After a private interview with Mr. Davidson, when his prediction was renewed, Ker became a theological student. He succeeded Mr. Davidson as minister of Prestonpans.

In illustration of his prophetic powers Wodrow relates that a difference having occurred between him and Lord Newbottle respecting the erection of the church at Prestonpans, Mr. Davidson made the following prediction. He told his lordship that he would be stripped of his lands in Prestonpans parish, and that he would die by an unknown hand. His lands were alienated soon afterwards, and, adds Mr. Wodrow, "the way of his death is a secret, and was the ground of a debate in Parliament." \*

Notwithstanding these statements of Row and Wodrow it is most improbable that Davidson laid claim to foreknowledge. Irate and impetuous, he used threats and warnings to intensify his counsels, and when his denunciations were realized the ignorant would readily conclude that he was guided preternaturally. He was a powerful thinker; and being intimately conversant with the Scriptures and the events of history, he proved an effective debater on religious and ecclesiastical topics. His vehemence was boundless, and in public and private he expressed himself with the unrestrained earnestness of a forcible conviction. In his interviews with his sovereign he was not more uncompromising than Knox or Ferguson; but his manner, like that of Andrew Melville, was impulsive and uncourtly. With apostolic zeal "he contended for the faith," but in exhorting he lacked longsuffering and patience. By his brethren and parishioners he was beloved for his earnestness, but in the courts of the Church he forfeited influence by his pertinacity.

A zealous promoter of education, he reared at Prestonpans, a seminary in which instruction was to be conveyed "in Latin, Greek, and Hebrew."† The endowment of £1,400 Scots, which,

\* Wodrow's MSS. on the Lives of the Reformers.

† Dr. Steven's History of the High School of Edinburgh. Edinb., 1849, 12mo., p. 29.

with a house and garden, he provided, was sufficient to secure as the first Head Master, Mr. Alexander Hume, a celebrated scholar, who exchanged for this office the Rectorship of the High School of Edinburgh. Mr. Hume entered on his scholastic duties at Prestonpans in July, 1606;\* he remained there ten years, when he transferred his services to the more important office of master of the grammar school at Dunbar. For nearly two centuries Davidson's endowment formed the only provision for the educational wants of Prestonpans



parish. When an Act of Parliament, passed in 1803, compelled the heritors of landward parishes to establish parochial schools, it was agreed that the school buildings erected by Mr. Davidson should be properly repaired, and the master provided with the statutory emoluments. But this arrangement was practically an appropriation of Mr. Davidson's endowment by the parochial landowners. The present incumbent of the parish, Dr. Struthers, succeeded in showing that the parish schoolmaster was entitled to the additional

\* Records of the Presbytery of Haddington.

emoluments provided under Mr. Davidson's settlement, which yield an annual sum equal to five per cent. of the original endowment.

After Mr. Davidson's death, his MSS. were by his representatives placed in the hands of Mr. John Johnston, Professor of Divinity at St. Andrews. That learned individual died on the 20th October, 1611; an "eik" to his will, dated 5th August, 1611, contains the following clause:—

"Item, I leave the trunk that lyes wnder the bwirde, with Mr. Johne Davidsones paperis thairin, to Mr. Robert Wallace and Mr. Alexander Hooime in Prestonpannes."

The "trunk" and its contents have disappeared.

A representation of the church and manse at Prestonpan, reared by Mr. Davidson, is presented on the opposite page. Mr. Davidson's manse has long ceased to be the residence of the parish minister; it now accommodates eight families of the humblest grade. Associated with some eminent names, it is historically interesting. After Mr. Davidson's death it was occupied by his successor, Mr. John Ker, along with his mother, the widow of John Knox. Within it or in the adjoining church Knox's daughter Margaret was married to Mr. Zachary Pont, minister of Bower. Dr. Alexander Carlyle, of Inveresk, was resident here in 1745, his father being the parochial incumbent. Mr. James Roy, a short-lived clergyman of great promise, brother of the celebrated General Roy, also occupied it, as did Dr. Joseph McCormick, afterwards Principal of the United College, St. Andrews, and editor of the State Papers of his grand-uncle, Principal Carstairs. A new manse was built in 1783.



ANE DIALOG OR MUTUALL TALKING BETUIX A CLERK  
AND ANE COURTEOUR, CONCERNING FOURE PARISCHE  
KIRKS TILL ANE MINISTER, COLLECTIT OUT OF  
THAIR MOUTHIS, AND PUT INTO VERSE BE A YOUNG  
MAN QUHA DID THEN FORGATHER WITH THAME IN  
HIS JOURNAY, AS EFTER FOLLOWIS:—

UNTO Dundie as I maid way,  
Nocht lang afoir Sanctandrois day,  
At Kingorne ferrie passand our  
Into ye boit wes thre or four  
Of gentilmen, as did appeir;  
I said, Schirs, is thair ony heir  
Quhais jornay lyes unto Dundie?  
Twa of thame answerit courtaslie  
We purpose nocht for to ga thidder,  
Bot zit our gait will lye togidder  
Quhil we be passit Kinnewie.\*  
Then I sall beir zow companie,  
Said I, and with that we did land,  
Syne lap upon our horse fra hand,  
And on our jornay rudelie raid;  
Thir twa unto Sanctandrois maid:  
The tane of thame appeirit to be  
Ane cunning Clerk of greit clergie,  
Of visage grave and maneris sage,  
His toung weill taucht, but all outrage  
Men nicht have kend that he had bene  
Quhair gude instructioun he had sene.  
The uther did appeir to me  
Ane cumlie Courteour to be,  
Quha wes perfyte and weill be sene  
In thingis that to this land pertene.  
Be we had riddin half ane myle,  
With myrrie mowis passing the quhyle,  
Thir twa of quhome befoir I spak  
Of sindrie purposis did crak,

\* Kennoway.

And enterit in amang the rest  
To speik how that the Kirk was drest.

And thus began the Courteour :  
Quhat think ze of this new ordour ?  
Ze that are Clerkis and men of wit,  
I wat weill ze will speik of it  
Amangis zour selfis quhen ye conuene :  
I pray zou tell me quhat ze mene,  
And gif this ordour ze allow,  
Or alwayis how it plesis zow,

The Clerk said, sir, the treuth to tell,  
With Princes maters for to mell  
I think it lyis nocht in our gait :  
Lat Courteouris of sic thingis trait.

The Courteour made answering :  
Zit men will speik, sir, of the King ;  
Bot this new ordour that is tane  
Wes nocht maid be the Court allane :  
The Kirkis Commissionars wes thair,  
And did aggrie to les and mair.  
Zit men may speik as they have feill,  
Quhidder it lykis thame ill or weill.

The Clerk said : have thay condiscendit,  
I think our speiking can nocht mend it ;  
Bot ane thing I dare tak on me,  
Gif as ze say the mater be  
That thay of Kirk thairto assentit,  
Thay salbe first that sall repentit ;  
Thocht for thair tyme sum wylie winkit,  
The ages efter will forthinkit.

The uther sayis thocht ze wes skar,  
Me think that now ye cum our nar ;  
I feill be the sauir of zour end  
This ordour than ze discommend  
Quhairof I mervell gretumlie  
That sich ane leirnit man as ze  
Sa lychtlie suld disdaine, and lak  
Ane ordour that wyse men did mak.

Than, said the Clerk, in wordis plane,  
 Syr, na gude ordour I disdane,  
 Bot ever mair will sic approve  
 As is maid for the Kirkis behufe :  
 Bot this ordour I sall impoung,  
 Sa lang as I have pen or toung

With speid than spak the Courteour,  
 And answerit with wordis sour :  
 Mony men speiks without all law,  
 And dois condemne befor thay knaw,  
 And chiefly the zoung men in scuilis,  
 Thinking all uthers to be fuilis :  
 Quhen ze zourselvis ar daft and zoung,  
 And hes nocht but ane pyat toung  
 Ze knaw als mekill as ane guse,  
 That callis this ordour ane abuse.

The Clerk said, Schir, ze do us wrang,  
 We spend our tyme in scuilis our lang,  
 Gif that we leirne na knowledge thair,  
 Bot only babbling without mair.  
 Give we may preif the thingis we say,  
 I think that bauldly speik we may,  
 Thocht in all thingis we be not sene,  
 The veritie we may mantine :  
 At leist in thay things that we knaw,  
 Sa far as ressoun may or law ;  
 Bot he that mellis with thingis unkend,  
 And stubburnely will thame defend,  
 Quhidder he be of Court or Scule,  
 In my judgement is bot ane fule ;  
 Thairfoir befor ze me condemne  
 My ressounis first ze sall exem,  
 And gif thay have validitie,  
 Than think zour self to be gyltie,  
 Of that same cryme quhairwith ze charge  
 Zoung men and Clerkis in talking large.

Then that ze may perfytlie knaw  
 That not but caus sic thingis I schaw,



I sall rype up the mater hail,  
 Syne ze sall judge gif that I faill.  
 And *first*, this ordour, as ze ken,  
 Prescryuis sic burdingis unto men,  
 That na wayis thay dow for till beir ;  
 Four Parische Kirkis to ane Preicheir,  
 Quhairas, ane only kirk wald craif  
 Four Preichours rather for to haif :  
 It will defraude syne, *secundlie*,  
 The present age of this countrie  
 Of the maist hailsum word of lyfe,  
 And steill it from us, man and wyfe :  
 And, *thridly*, will preclude the way  
 Till our Posteritie, I say,  
 To mak ma servandis of the Lord,  
 Quhen thir ar gane, to preiche his word ;  
 With mony an incommoditie,  
 That I have not schawin presentlie,  
 As at mair lenth I sall declair.

I think, my friend, ze have said mair  
 Nor ze will preif to me this hour,  
 Maist schairply, said the Courteour ;  
 I mervell mekill quhat ze mene  
 That dois sa raschely contravene  
 The ordour that is thocht so gude.  
 Perchance, gif that ze understude  
 The gude respectis hes thame mufit  
 To mak this ordour, ze wald lufe it,  
 And not engrege the cace sa hie.

The Clerk said, Schir, say on, lat se,  
 And I sall abill answer mak.

The Courteour began and spak ;  
 Sayand ze se out throw this land  
 How mony waist Kirks thair dois stand  
 But outhir Prayers or Preiching,  
 Or ony uther Godly thing :  
 Zea, thair is mony Parochinis,  
 Of richt greit Congregatiounis,

That never zit hes hard the word,  
 And sum the Supper of the Lord  
 This seuin zeir had not thame amang :  
 Luik ze and se gif that be lang ?  
 As Mynniegoff, in Galloway,  
 Can testifie, and mony ma,  
 Quhilk Parochinis yair teindis dois pay  
 Als thankfully as ony of thay  
 That dwellis in Fyfe or Louthiane,  
 Suld their pepill Preiching have nane ?  
 Quhairfoir suld uthers mair than thay,  
 Seing thair teindis sa weill thay pay ;  
 And als to God thay ar als deir  
 As ony in the inland heir.  
 And syne the Preichouris, as ze ken  
 Ar far within twa hundredth men ;  
 Quhilk number ze knaw is sa small,  
 The Kirkis can not be stakit all  
 As thay wer placit heirtofoir ;  
 The Counsell hes thocht gude thairfoir,  
 As lufe and cheritie dois craif  
 With Preiching for to staik the laif ;  
 And sa this new ordour did tak  
 Four Kirkis till ane Preichour to mak ;  
 That as weill thay of Mynniegof  
 And rest of Kirkis that ar far of,  
 May have the comfort of the word  
 Throw all this land, as dois accord ;  
 As hes the burghis and inlandis men  
 Now weill instructit, as ze ken :  
 That all get part, baith greit and small,  
 And as it wer, ane get not all.  
 Sa sall the Gospell be enlargit,  
 And all the Kirkis also dischargit ;  
 With mony ma commoditeis  
 That wyse and prudent men foirseis ;  
 Quhilks I think all gude men will muse  
 This new maid ordour till apprufe ;

And als mak you with me consent  
 That thay that did this way inuent,  
 And did the mater interpryse,  
 Hes baith bene Godly, gude, and wyse,  
 And full of lufe and cheritie,  
 Thair nichbours for till edifie.  
 Thairfoir declair quhat ze think now,  
 Gif ze think as ze thocht richt now.

The Clerk maid answer modestlie ;  
 Sayand, Schir, ze have said trewlie,  
 Thair is ma Kirkis into this land  
 Voyde of the word of God that stand,  
 Nor hidderto hes stakit bene  
 With Ministeris, as may be sene ;  
 Quhilk Kirkis I think dois also pay  
 Thair [tiend] dewtie asweill as thay  
 That hes had preiching and prayers  
 With Reidaris and thair Ministers.  
 All this, I say, I grant be trew,  
 Than ye say, of this suld ensew,  
 That all be stakit equallie  
 That payis alyke thair [tiend] dewtie ;  
 Quhilk can na uther wayis be had  
 Except this new ordour be maid.  
 It followis not necessarlie,  
 Albeit that all suld stakit be,  
 That thay can be na uther way  
 Bot this new ordour as ze say.

The Courteour grew sum thing hetter,  
 And said, Schir, will ze schaw ane better.

The Clerk answerit, that sall I sone,  
 Gif ze will heir quhill I have done.  
 Gif thay that did this way invent  
 Dois all this of sa gude intent  
 As ze declair, of cheritie,  
 Thair nedic brethren to supplie,  
 And to enlarge the word our all,  
 To sempill pepill greit and small ;



Gif for the weill of Christis Kirk  
 Sa busilie I say thay wirk,  
 As presently thay do pretend,  
 They suld have socht ane uther end  
 Till have begun, as I tell zow,  
 Nor this thay have inventit now :  
 Ma Preichours suld have chosin bene  
 The Ministrie for till sustene,  
 And beir the burding of that yok  
 To keip and feid the Lordis flok.

The Courteour said, quhair ar tha ?  
 Quhair will ze get me ony ma ?

Quhair socht thay ony ? (quod ye Clerk.)  
 The uther said, thay maid na werk  
 To seek ony, becaus thay knew  
 Thay wald be found but nane or few.

The Clerk said, I culd find the way  
 To get zow within zeir or day,  
 Ma Ministeris in this countrie  
 Besyde thame that ar presentlie,  
 Nor ar thair number that is ellis ;  
 Gif thay that with the Kirk Rent mellis,  
 Without all ordour, as ye knaw,  
 On sic sort wald [not] to thame draw  
 The Patrimonie of the Kirk,  
 Bot it apply to thame that wirk ;  
 That leuingis nicht be modifyit  
 To Preichouris that war qualifyit,  
 Quhairon thay nicht leif without cair,  
 To cure thair office and na mair.  
 And this in deid war the richt way,  
 Quhilk being done, wald be, I say,  
 Ma Preichouris schortly nor is now :  
 Also I suld find out to zow,  
 Of lernit and sufficient men  
 This day, bezond thre scoir and ten :  
 Howbeit, I grant thay wald not be  
 Sa perfite at the first entrie

As thay that enterit hes befor ;  
 Use wald perfytnes mak but moir.  
 Than loudlie leuch the Courteour ;  
 Sufficient men ! (said he,) blak hour,  
 Thair is skarse twentie of thame all  
 Sufficient men that I can call,  
 That are alreddy in thay rowmis.  
 The Clerk was like to byte his thowmis,  
 And said, indeid Schir, now ze wrang yame,  
 For thair is mony ma amang thame,  
 Baith of gude lyfe and doctrine sound,  
 Quha in the treuth can pepill found,  
 And bring thame up in Christ Jesu ;  
 Perchance asweill, I tell to zow,  
 As sum that haldis thame for na Pages ;  
 And sa it hes bene in all ages  
 That all the corne of the Countrie  
 Be kempis hes not bene schorne we se ;  
 Sa, I call them sufficient  
 With quhome S. Paull can be content :  
 That is, that abill ar to teiche,  
 Syne practisis the word thay preiche.  
 Thocht all alyke can never be,  
 But gif ilk ane in thair degre  
 Do put thair hand unto the pleuch  
 With faithfulness, it is aneuch.  
 And mair attour, als we maun grant,  
 That sic ane number cannot want ;  
 Fals fenzeit Judasis at fouth,  
 In till all airth, baith North and South,  
 Sen amang Christis awin twelf, we se  
 Ane tratour was in companie.  
 Men cannot peirs unto the hartis,  
 (Tyme will them try that playis yair partis,)  
 Bot man euin chuse the lyklyest,  
 Syne call to God to wirk the best.  
 For all that, said the Courteour,  
 Ze will not find me out this hour

The number that ze spak before,

The Clerk answerit, Schir, as I said,

And that war bytill thocht sa wan,

Let gude provisioun anis be maid

For men to leif in that vocatioun,

Ze sall not mis into this natioun

To find thame flock [to] zow als fast

As did the Pr [e] istis in tymes past ;

For ze ken *honos alit artes*,

Thairfoir *non agunt suas partes*

That gude Stependis dois not prepair,

And thairof gude payment allquhair

For to be maid with expeditioun ;

For quha will cum but sic conditioun

To tak the charge of ane Preichour.

I mervell (quod the Courteour)

That ze na better understand

How that thair levingis to thair hand,

Ar weill provydit in all place.

The Clerk said, Schir, I pray zou ceace ;

Thay levingis will be bot devydit,

As this new ordour hes provydit,

And will not be ane caus quhairfoir

The Preichouris number sall grow moir.

Of sic provisioun I not mene

That dois my purpois contravene ;

As efterwart I sall mak plane

All that provisioun to be nane.

Sa laik of leving, I conclude,

Dois mak the laik of multitude

To serve into the Ministrie,

As all the warld may cleirly se ;

For, wer thair Stependis anis provydit,

The mater nicht be esie gydit ;

Thair wald be mony in this land,

Evin at this tyme, I understand,

That nicht be chosin weill I wat,

The Lordis word to ministrat ;



As in Sanctandrois presentlie  
 Thair nicht be gottin neir twentie,  
 And in the countrie fra and neir,  
 Wald be far ma than dois appeir :  
 Our countrie Clerkis bezond the seyi s  
 Wald draw thame hame fra all countries,  
 Of Ingland, France, and uther partis,  
 Quhair thay ar scatterit in all airtis :  
 Becaus at hame thay will not give  
 Sufficient quharon thay may live,  
 Quhais number, as I understand,  
 Is greiter nor is in this land  
 Of Ministeris ;—zea be sic thre—  
 Give thir men wald do gude ges ze ?  
 Zea, strangers als wa wald draw neir  
 Give thay hard of gude treitment heir,  
 Sa I think now ze may persave  
 That skant of men we wald not have,  
 And sa that can not be ane caus  
 Quhy thay suld make us thir new lawis,  
 As ze say of necessitie.  
 Ane uther moyane we may se  
 To have the word preichit ovir all  
 Into this land, to greit and small,  
 As heirtofoir I did declair :  
 Bot zit lat us cum farthermair,  
 Gif (as thay said) thair purpois be  
 The Kirk of Christ to edifie :  
 Quhairfoir I speir do thay neglect  
 The meanis that servis to this effect ?  
 Thair is sum Colleges we ken  
 Weill foundit to uphald leirnit men,  
 To teiche the zouth in letters gude,  
 And utheris also that ar rude ;  
 Amang the rest foundit we se  
 The teiching of theologie,  
 With rentis sum studentis to sustene,  
 To that science to give thame clene.

Lat anis the Counsell send and se  
 Gif thir places weill gydit be,  
 And not abusit with waist rudis,  
 That dois nathing bot spendis yai gudis  
 That was maid for that haly use,  
 And not to feid ane Crusit Guse ; \*  
 And gif that thay fundatiounis auld  
 Wantis rentis sufficient to uphault  
 Ane gude number of sic studentis,  
 As (that thay want) lat eik thair rentis ;  
 And than I dout not ze suld se  
 Greit entres in theologie ;  
 And Preichouris zeirly to proceid  
 Furth of the Scullis to serve our neid,  
 In sic abundance, that fra hand  
 Thair suld be plantit throw this land  
 At everie Kirk, as dois affeir,  
 Ane Preichour at the leist put weir :  
 For quhy the Scullis suld mother be  
 To mak our Preichouris multiplie.  
 And quhen the Scullis ar not provydit,  
 How can the Kirk be bot misgydit ?

The Courteour, with wordis wyde,  
 Said, I heir nathing bot provyde,  
 And get zow that, and get zow this ;  
 Zour talk is all of expensis ;  
 Gif levingis heir, and found sum thair ;  
 Ze big gay castellis in the air.  
 Quhair is that geir for to be had,  
 That sic provisioun may be maid ?

The Clerk said, Schir, luk ze and se  
 Gif that the teindis of this countrie  
 May not do all that we have tauld,  
 And als the pure, and Scullis uphault ;  
 Quhilk teindis dois justly appertene  
 To sic thingis as hes talkit bene.  
 Ze ar far large of leveray ;  
 Agane the Courteour 'gan say,

\* The poet referred to Mr. John Rutherford, of St. Andrews. (See *supra*).

Apperandly ye wald gif all  
 The teindis of Scotland, greit and small,  
 Unto the Kirk for till dispone,  
 And to the Court for till give none;  
 Quhilk wald make thame bot proud and hie,  
 As in the tyme of Papistrie.

Quhat wald ze than bestow on us?

The Clerk said, tak the superplus,  
 Quhen Kirk and poor ar weill provydit;  
 And let the mater sa be gydit,  
 That thay of Kirk do not abuse it,  
 But be controllit how thay use it;  
 Becaus thay ar bot mortall men,  
 That na wayis thay thair selfis misken.

The Courteour answerit fra hand,  
 It will be countit to thair hand;  
 The teindis will not cum in thair nevis,  
 Sa lang as ony of us levis.

The Clerk said, Goddis curs yairfoir  
 Sall not depart quhill thay restoir  
 The Kirk agane to hir awin right;  
 Thocht of the mater thay pas licht.

Ze say far, (quod the Courteour,)  
 Now ze have maid ane gay ordour,  
 Unto quhilk gif all wald aggre,  
 Quhat better wald the countrie be  
 In till our tyme that levis now.

The Clerk said, I will answer zow:  
 I wait weill, Schir, ye have hard say,  
 Rome was not biggit the first day;  
 Sic thingis man have tyme and proces,  
 Or thay cum till ane perfytnes.  
 And zit the Kirk suld soner get  
 Comfort ovir all withouttin let,  
 Be this ordour foirtauld be me,  
 Nor be this new enormitie.  
 For quhen the Kirk sa ze have wrakit,  
 Zit all the Kirkis sall not be stakit;



Quhen ilk Preichour hes gottin four,  
 How mony trow ze will be our ?  
 That Preiching then wald get no moir  
 Nor thay had done in tymes befor :  
 Quhairfoir ze se this vane pretence  
 Is full of fenzeit diligence.  
 Thairfoir, for my purpois to conclude ;  
 Provyde me weill anis claith and fude,  
 And neidfull thingis, na neid wald be  
 Of Ministeris in this countrie ;  
 Quhilk doutles were the reddy gait  
 The Kirk of Christ for to debait,  
 And caus preiching to be ovir all,  
 To riche and poor, to greit and small ;  
 Quhilk gif thay mynd as thay pretend,  
 Thay wald have begun at this end ;  
 For he sall never mak me trow  
 That he makis north, I tell to zow,  
 That to the south dois swyftlie rin :  
 Bot now I will returne but din,  
 And my first propositiounis preif.

The uther said, I gif zow leif ;  
 For I persave, speik quhat I will,  
 Ane answer ze will find thair till.

The Clerk said, I will say nathing,  
 For quhilk I sall not ressoun bring.  
 And *first*, I said this ordour makis  
 Far greiter burdingis on mennis bakis  
 Be laid, nor thay dow for to beir,  
 As I sall schortly let zow heir ;  
 For ane man cannot satisfie  
 For to do four mennis dewtie ;  
 For everie Kirk at leist craifis ane,  
 And this bindis four till ane allane :  
 Suld not the Pastour knaw his scheip,  
 Zea be the heid, that he dois keip ?

*Agnosce vultus gregis tui,  
 Est maxime officii sui.*

Bot quhen ane man hes under cure  
 Sa mony thousandis, riche and poor,  
 Skarsly will he ken ilk ane  
 Quhen twentie zeiris ar cum and gane ;  
 Becaus he may not daylie be  
 In all thir pepillis companie ;  
 And sa cannot do thame all gude,  
 For laik of daylie consuetude.  
 How can he ilk manis vice reprufe  
 Under his cure as dois behufe ;  
 And comfort in particular  
 Sic as in conscience troublit ar,  
 Quhairin thair bodyis hes distres ;  
 On force they man be comfortles,  
 Becaus he knawis not be the face,  
 And als for distance of the place.  
 Thay that knawis this to be thair cure,  
 To vesit, comfort, seik and poor ;  
 And that into particulair,  
 As it salbe found necessair ;  
 Thir men, I think, sall understand  
 Aneuch to thame to tak on hand,  
 Ane Parochin for till discharge ;  
 Bot they that hes ane conscience large,  
 And thinkis they have na mair ado,  
 But only Preiching to luke to ;  
 And that bot perfunctorily  
 Anis in four oulkis, and able ma,  
 Perchance threttene or thay cum thair ;  
 God wait, sa weill that flock will fair !  
 The Commentaris turde our perqueir,  
 Syne soun into the pepillis eir,  
 Sa rawly, caldly, and far of,  
 That na man can tak frute thair of.  
 Nouthir the proud contemnar heir  
 Be maist scharp threitning and seveir,  
 Him self to Hell their beatin doun  
 For his stubburne rebelloun ;

Nor zit the hart syching for sin  
 Can thair fynd comfort mair or min :  
 Bot all tauld our in generall,  
 But mufing outhir greit or small.  
 For asweill sayis Augustine,  
 The thing to all that's spokin bene,  
 To nane is spokin as we know  
 Experience dois daylie schaw :  
 Sa sic Preichouris as I have tald,  
 Bot not in deid sic as I wald,  
 That thinkis thame selfis dischargit weil  
 Quhen thay have run ovir with ane reill  
 Thair sairles sermone, red zistrene ;  
 The hour sa spendit thay ar clene ;  
 Evin as the Preistis thair matynis said,  
 To serve the tyme, ane stra syne laid,  
 Schir *Celebrasti* speid zow sone,  
 And sa Goddis service thay have done.  
 Sic hyreling belly goddis, I say,  
 I will not quyte in deid, bot thay  
 Unto this Ordour will consent,  
 And for thair belly be content ;  
 Ilk ane ten Kirkis will tak in cure,  
 Sa of thair Stependis thay be sure :  
 Bot gif thay folkis sall be weill fed,  
 Or to gude Pastoring be led,  
 The warld may judge : I say na mair,  
 But fordwart to my purpois fair.

The Courteour replyit agane,  
 Saying, that ressoun is bot vane,  
 To say a man may do na mair,  
 Bot serve a kirk until his skair :  
 Wes not all the Apostillis men,  
 And also Paull himself ze ken,  
 At a[e] kirk did not ay remane.  
 We reid not that thay did disdane  
 To preiche at sindrie kirkis, all quhair  
 Passing from place to place, but mair,



Thay socht not eis, as men do now  
 To byde at a[e] kirk, I tell zow ;  
 And I think gif it had bene wrang,  
 To sindrie kirkis thay wald nocht gang.

The Clerk said, ze ar versit I se  
 Richt weill in Court theologie ;  
 Bot zit ze mon reid ovir agane,  
 And wey the circumstances plane ;  
 The Preichouris than ze ken wes skant,  
 And als the Gospell was to plant  
 Ovir all the eirth, baith far and neir ;  
 Thay wer bot twelf that tuke the steir,  
 Quha to that office chosin wer  
 To mak all natiounis pertaker  
 Of the glad tydingis of Salvatioun ;  
 And for to mak new reformatioun,  
 Thair proper office was but mair  
 To preiche the Gospell everie quhair.  
 Bot sa the mater dois not stand  
 Amang us now into this land,  
 Quhair Reformatioun hes hed place  
 Thir xv zeiris, or sic ane space  
 With quyetnes for to provyde  
 For preichouris at ilk Kirk to byde ;  
 As the Apostillis did with speid,  
 In everie ceitie, as we reid ;  
 Thay creat Ministeris all quhair,  
 Quhair ever quyetnes wald spair.  
 And sa into thair tyme we se,  
 Thair wes men in the Ministrie  
 To severall Kirkis appointit plane  
 To preiche, and thairfor to remane ;  
 And wer not made Apostillis all,  
 For Christ the twelf did only call  
 To beir that office specialle,  
 Quhilk was not ordanit ay to be ;  
 Quhen that the Kirk efter at lenth  
 Had growin untill ane greiter strenth ;

Syne God gaif to yame giftis mair large,  
 Thair legacie for till discharge,  
 Nor efter he gave ony uther :  
 And thairfoir that exampill, brother,  
 That ze from the Apostillis bring,  
 Aganis my purpois makis nathing ;  
 Becaus that thay of speciall charge  
 Did preiche the word in boundis large,  
 And till ane Kirk was nocht addict ;  
 Thairof na wayis ze may convict  
 That ony Preichour now suld tak  
 The charge of four Kirkis on his bak ;  
 For nouthir dois the tyme aggre,  
 Nor hes men now thay giftis we se,  
 Nor zit the office for to preiche  
 Ovir all the warld, as thay did teiche.  
 Than to conclude, but proces moir,  
 As I have cleirly provin befoir,  
 Ane Parochin may richt weill gane  
 Ane Minister thair to remane ;  
 And sa followis consequentlie,  
 Four Kirkis ovir greit burding to be  
 Till ane man for to tak on hand.  
 And sa, I think, ze understand  
 The first absurditie of thingis  
 That this new ordour with it bringis.

That said the Courteour, I grant,  
 Bot I trow ressounis sall be skant  
 To prufe in plane, and mak patent  
 The secund inconvenient,  
 That ze said come of this Ordour.

The Clerk, with courtes behaviour,  
 Said, I sall preif incontinent  
 That self same inconvenient :  
 To wit, gif this Ordour prevaill,  
 The pepill salbe hungerit haill  
 Of spirituall fude into this land.  
 Than for this caus first understand,

That as the body can not dure,  
 Except in sesoun, men procure  
 Fude in dew tyme it to sustene,  
 To nourische it as dois convene ;  
 Na mair can mannis saull indure  
 In gude estait, I zow assure,  
 Except that nurischit it be  
 Be fude that feidit[h] spirituallie ;  
 And as the body naturallie  
 At certain tymes, as we may se,  
 Maun have refrèschement'but delay,  
 Or ellis it will faint and decay ;  
 Evin sa the Saull hes the awin tymes  
 Quhen it wald be relevit of crymes,  
 And comfort with consolatioun,  
 And put in mynd of Salvatioun  
 That Christ hes purchest with his blude ;  
 It suld be nurischit with his fude :  
 And thairfoir God hes in his law  
 The sevint day ordanit, 's we know :  
 As tyme meit and convenient,  
 To gif the Saull his nurischement ;  
 That everie oulk anis at the leist,  
 It may feid on this Spiritual Feist.  
 Than sen God quha knawis all things be[st]  
 Appointit the sevint day for rest,  
 To feid the Saull as tyme maist meit ;  
 I think the law that wald retreit  
 This ordour, maid be God himsell,  
 Of ovir greit arrogance dois smell ;  
 And the law makeris wald appeir  
 Wyser nor God, quha seis maist cleir  
 Quhair of mannis saul, hes greitest neid,  
 And how and quhen men suld it feid :  
 Bot thir law makers that ar now  
 Thinkis that the saull will be sa fow  
 Anis in four oulkis, it will neid nane  
 Quhill the fourt Sonday cum agane.



It is ane takin, I zow tell,<sup>3</sup>  
 Saullis hunger thay feill nane yame sell,  
 And thairfoir dois the word disdane  
 Thay ar sa fow now thay need nane ;  
 And sa of it beginnis to tyre,  
 And now wald flit it ovir the myre.  
 Quhair God appointit ouklie anis  
 At leist : this law agane ordanis  
 Anis in four oulkis ; and sumquhair sevin,  
 Our Saullis fude to cum from hevin.  
 Luik ze and se gif it growis skant,  
 And gif oft Preiching we will want,  
 And hungerit be of Saullis fude ;  
 As dois declair this multitude.  
 Gif servandis of ane familie  
 Had daylie meit sufficientlie  
 Provydit for thame, and na mair,  
 Than gif the Stewart sa wald spair,  
 And on this sort thair merit dispone  
 Of ane dayis meit mak four dayis none ;  
 Wald not thay servandis hungerit be,  
 And leif in greit penuritie ?  
 Evin sa fairis of this new law,  
 Gif it cum to as ze foirschaw ;  
 Quhair oulkie preiching wes befoir,  
 Anis in four oulkis now and no moir.  
 Gif than men sall not hungerit be  
 Of Saullis fude, luke ze and se.

The Courteour said, then I wene  
 Sair hungerit hes thay pepill bene  
 That to this day Preiching gat nane ;  
 I think thay have caus to complane.

The Clerk said, wyte yame as ye wyte,  
 That did not mak provisioun tyte,  
 As ze hard me declair befoir,  
 And add not evil to evil moir :  
 For now sum Kirkis ar weill provydit,  
 And that suld all be clene misgydit ;

For it is better till have part  
 Weill stakit into everie airt,  
 Nor till have all spilt and o'irsene ;  
 As it is far better, I wene,  
 Gif that ane man had stedingis ten,  
 Quhilk requyrit mony beistis and men,  
 And greit expensis for to cure thame ;  
 Gif that this man had till manure thame,  
 Bot aucht oxin into ane pleuch,  
 Quhilk to all wald not be aneuch ;  
 Quhidder were it better; think ze,  
 Till labour ane of thame onlie,  
 Quhair ilk ane wald ane uther hane,  
 And quhilk to teill his beistis miche gane ;  
 Or in ilk steding teill ane rig,  
 Quhairto ane saifgard he must big ;  
 Ane bit teillit heir, ane uther thair,  
 Quhilk he micht not keip lait and air,  
 From wickit beistis wald cum amang it,  
 For till destroy and clene ovirgang it ;  
 I think na wayis man will deny  
 Bot it wer better verraly  
 Ane steding for till laubour weill,  
 And in dew sesoun it to teill,  
 That in proces, sa being drest,  
 It micht bring forth to help the rest ;  
 Nor for till spill all ten atanis,  
 Quhilk he may not gyde be na meanis.  
 I leif it to zow to conclude  
 Quhat I mene by this similitude.  
 Mairovir, yai Kirkis, yat preiching wantit,  
 Thristis not mekill till have plantit,  
 For the maist part, as I beleif :  
 Than quhy suld ze thay pepill grief,  
 That hunger of thair saulis dois fail,  
 And zarnis for fude with fa greit zeill ?  
 Trow ze thay folkis will he content  
 To want thair Pastouris permanent ?

As shortly in Fyfe nicht bene sene  
 Quhat hubbilschow thair maist have bene  
 For the displacing of ane Pastour,  
 According to this new maid Ordour;  
 And how the pepil wald not grant  
 Thair awin auld Pastour for till want,  
 Quhais lyfe and doctrine weil thay knew  
 And him to be ane Pastour trew.  
 Bot to return unto our tail:  
 Gif this new Ordour sall prevaill,  
 This present age sall hungerit be  
 Of spirituall fude maist certanelie.

The Courteour said, Schir, ze know,  
 This raritie will be ane saw  
 To mak the word estemit moir  
 Nor ever it was heirtofoir;  
 For *Rarum carum* ay ze ken,  
 And *Quotidianum* tyris men.

The Clerk said, ze have ressounis fell  
 I se, for to begyle zoursell;  
 Ze sall tak this a thing of me,  
 That quha feiris God unfenzeitlie,  
 Of that sweit word will never irk,  
 At dew time preichit in thair Kirk;  
 Bot will lament with hart full sair,  
 Quhen ever that thay miss it thair;  
 Zea, maiattour in mynd imprent  
 That thay that use that argument  
 Of Goddis word ne'er tuke greit cure,  
 Nor zit delyte thairof be sure.  
 Bot in this heid I byde too lang:  
 Unto the nixt now will I gang;  
 For ze have hard talk this lang space,  
 It will defraude this present race  
 Of Christis Evangell in this land,  
 As I trow now ze understand;  
 Ane schaddow than wald only be  
 Of Preiching in the Ministrie.



Sa now to zow is maid patent  
 The secund inconvenient.  
 The thrid restis than for till declair,  
 Quhilk suld mak all our hartis sair,  
 That our posteritie behind  
 In ignorance suld be left blind,  
 Without all comfort of the word  
 In publict places, as dois accord ;  
 For how can Ministrie indure,  
 Gif thay of levingis be not sure ?  
 Quhair sall thair tytill be to schaw  
 That thay have richt be ony law  
 Till ony stependis moir, or les,  
 Gif that this Ordour tak succes ?  
 For quhair befor thay had sum rent  
 Be ane plane act of Parliament,  
 That was the thriddis of all and hail  
 Of beneficis to thair dail,  
 Untill the tyme the teindis all  
 Come in thair handis baith greit and small,  
 Quhilk is thair awin just patrimony ;  
 Thir thriddis, I say, but stopping ony,  
 The Kirkis collectouris suld uptane,  
 Syne unto the exchequer gane,  
 And maid thair comptis how yai were spendit,  
 Quhilk Ordour wes to be commendit.  
 The Kirk first stakit, than the rest,  
 Unto the Kingis grac'use wes drest ;  
 Sa then the Kirk had of their awin  
 To serve thair use, as is weill knawin ;  
 Bot now quhen that they want yat law,  
 Quhat richt sall thay have for till schaw,  
 Except of liberalitie,  
 It plesit the autoritie  
 Sum pensiounis for to gif thame till,  
 And that induring his gude will.  
 This is the greitest ground I se  
 Quhilk is na tytill to stik be.

Quhen ony Princes sall succed  
 That lytill lufis the Kirk in deid,  
 Thay will be chappit on the cheik,  
 And it will be occasioun eik  
 To mak Princes injunctiounis geif  
 To speik nathing that may thame greif;  
 And gif that ony wald withstand  
 Unto that vennemous command,  
 And to injunctiounis not consent,  
 Then thay wald bid him be content,  
 Or ellis he wald get nathing thair  
 Of his said pensioun ony mair;  
 Sa suld not our posteritie  
 Get trew preiching, bot flatterie.

Then said the Courteour, but mair,  
 All that greit skaith, that ze declair,  
 Dois not cum of the transportatiounis,  
 Bot it cumis of the assignatiounis.

The clerk said, Joyne yame baith togidder  
 Bot this Ordour is eldest brother;  
 I am assurit *Tempore*,  
 The uther may be *Intentione*  
 Sa this new Ordour is ane way  
 To mak the word of God decay;  
 And not to reache till our offspring,  
 Quhilk we suld wis abone all thing;  
 And at the leist ze man confes  
 That it precludis the way expres  
 The Preichouris number till augment.  
 Bot as this Ordour dois invent,  
 That is, four Kirkis till ane Preichour,  
 Quhilk I have provin within this hour,  
 To be bot ane dissaitfull wyle,  
 The Kirk of Christ for till begyle,  
 And not to feid it faithfullie,  
 As thay pretend most craftelie;  
 For may not the autoritie  
 Object till our posteritie,

Quhen Ministeris ma, they do craif,  
 Quhat neid zow ma Preichouris to have  
 Nor our foirbearis had befoir,  
 And we knaw weill thay socht no moir  
 Bot ane till four Kirkis in thay days,  
 Ze will get na ma go zour wayis.  
 May not this Ordour be occasioun  
 To make Princes use this evasioun,  
 That Preichouris number never be  
 Augmentit mair nor now, we se :  
 Thairfoir justlie, I may conclud, e,  
 That this new Ordour dois preclude,  
 The way till our posteritie  
 To mak the Preichouris multiplie.  
 In this cace to speik ony mair,  
 At this tyme is not necessair,  
 Thair frivole foches to refeit,  
 That this new Ordour wald debait :  
 Sic as this, befoir this Ordour  
 Sum Ministers had kirkis four,  
 And mony vane affectioun  
 Indigne of contradickioun,  
 I leif as thingis of na availl ;  
 And heir now will tak in my saill.  
 Then ze have hard me schaw at lenth  
 How that thair ressounis hes na strenth,  
 And ar nathing bot craftie cloikis,  
 That sayis it is to feid the flokis ;  
 That sic new Ordour thay have tane  
 To knit four Parische Kirkis in ane ;  
 And how ye richt meanis I have schawin  
 Ovir all to have the Gospell sawin.  
 Gif that be it that thay do seik,  
 Ze hard how I declarit eik,  
 That the maist evill and hurtfull thingis  
 This new maid Ordour with it bringis,  
 By mony inconvenient  
 That unto it is consequent :



The first ze hard, it wald men tak  
 Far greiter burdingis on thair bak  
 Nor possibill is for till beir ;  
 Four Parische Kirkis till ane Preicheir,  
 Quhen skantlie may ane man gyde ane,  
 Gif faithfull charge thairon be tane.  
 And nixt, how it wald mak us quyte,  
 Of Christis Evangell, our delyte ;  
 Of preiching we suld have na mair,  
 Bot ane pretence and schaddow bair,  
 Sa that this age sall be denude.  
 Of trew Preiching and spirituall fude.  
 And thirdly, ze hard maist patent,  
 That all our offspring subsequent  
 Suld be defraudit on lyke sort  
 Of that maist excellent comfort ;  
 And have na facultie to chuse  
 Ma men the Preiching for till use,  
 For to enlarge the word ovir all  
 As it suld be, to greit and small.  
 Sa now I traist ze will not say  
 Bot I have usit ressoun ay,  
 To preif my propositiounis plane,  
 That this new Ordour is maist vane,  
 And als maist hurtful to the Kirk,  
 Of ony that the Devill did wirk,  
 Sen the Evangell publictlie  
 Wes preichit into this countrie :  
 Quhairfor, gif that the Kirk consent,  
 Thay will have caus for till repent  
 Perchance soner nor thay beleif,  
 For als fane as sum wald it preif ;  
 It is the way to put to flicht  
 The Gospell, and bid Christ gude nicht ;  
 As sum alreddy dois espy,  
 Quha did afoir till it apply.

I knaw not, said the Courteour,  
 Bot thay that did mak this Ordour

I trow sall prove it to be gude.

The Clerk said, quha is he will dude?

I wald fane se the Courteour,

Or zit the Court flattring Preichour,

That to this Ordour did consent,

Or ony that did it invent,

Gif he to me wald intimat

My ressounis to evacuat;

And gif I had into zour place

Ane leirnit man that wald me face,

I suld declair at greiter lenth,

With arguments of greiter strenth,

The devillische draucht of this devyse,

And ground of all this interpryse.

Forsuith, Schir, (said the Courteour,)

I am assurit had ilk Preichour

Into the mater bene als frak

As ze have bene heir, sen ze spak,

It had not cum to sic an heid

As this day we see it proceid:

Bot I can se few men amang thame,

Tho' all the world suld clene ovirgang

[thame,

That has ane face to speik agane,

Sic as the Kirk of Christ prophane.

Had gude John Knox not zit bene deid,

It had not cum unto this heid;

Had thay myntit till sic ane steir,

He had maid hevin and eirth to heir.

Quhat weill ze, brother, (said ye Clerk,)

Go \* . . . . . untill his werk,

Quhilk at the first men dois not spy;

Bot zit Preichouris that dois not try,

Quhen thay persave the evill afar,

And dois not warne or it cum nar,

Sall not be gyltles of the blude

Of thame that perische, to conclude.

\* Part of this line in the original has been destroyed.

With that we come to Kennewie,  
 Quhair that we tuke ane drink schortlie,  
 Syne raid a lytill eist the bra,  
 Quhair that our gaittis partit in twa ;  
 To part with thame my hart wes sair,  
 Zit I tuke leif of thame but mair,  
 And thay unto Sanctandrois maid,  
 Quhill I to Dundie watter raid.  
 Quhair be the way I did record  
 Upon thair talking everie word ;  
 And with my self I said that tyde  
 It wer ane pitie for till hyde  
 This ressoning, gif I culd wryte,  
 Or had ingyne that culd indyte.  
 Allace ! gif Poetis had bene heir  
 That culd have maid the mater cleir,  
 And set it furth in cunning verse,  
 The thingis that I hard thame reheirse ;  
 Bot zit or it suld be supprest,  
 My self to wryte, I held it best ;  
 Thocht of all cunning I be quyte,  
 Perchance sum Poet will delyte  
 To put it in mair plesand ryme,  
 That I have blokit at this tyme :  
 For fault of utheris that have skill,  
 I could not bot schaw my gude will.  
 Thairfoir all Poetis pardoun me,  
 That wrait this of necessitie ;  
 And not to stane zour plesand style :  
 Than I fell to, and did compyle  
 This lytill volume, as ze se,  
 How sone that I come to Dundie.



ANE BREIF COMMENDATIOUN OF UPRICHTNES, IN RESPECT OF THE SURENES OF THE SAME, TO ALL THAT WALK IN IT, AMPLIFYIT CHIEFLY BE THAT NOTABILL DOCUMENT OF GODIS MIGHTIE PROTECTIOUN, IN PRESERVING HIS MAIST UPRICHT SERVAND, AND FERVENT MESSINGER OF CHRISTIS EVANGELL, JOHNE KNOX. SET FORTH IN INGLIS METER BE JOHNE DAVIDSONE, REGENT IN S. LEONARDS COLLEGE.

QUHAIRUNTO IS ADDIT IN THE END ANE SCHORT DISCURS OF THE ESTAITIS QUHA HES CAUS TO DEPLOIR THE DEITH OF THIS EXCELLENT SERVAND OF GOD.

PSALME XXXVII. MARK THE UPRICHT MAN, AND BEHAULD THE JUST, FOR THE END OF THAT MAN IS PEACE.

*To the Maist Godlie, Ancient, and Worthie Schir Johne Wischart of Pittarrow Knicht, M. Johne Davidstone wissis the continuall assistance of the Spreit of God, to the end, and in the end.*

CONSIDERING with myself (maist worthie Knicht) the greit frailtie and unsureness of all strenthis eirthly quhatsumever, quharin ma liefing God usis to put his traist on the ane part, and the sure fortres and saifgaird of uprichtnes, howbeit destitute of all aide warldly on the uther part: I culd not withhald my pen from uttering of that praise and commendatioun of uprichtnes, quhilk in my mynde I had consavit of the same. Being cheifly movit heirunto be the miraculous (as I may weill call it) and maist wonderfull preservatioun of that maist notabill servand of God, and sinceir Preicheour of Christis Evangell, Johne Knox; Quha being bot of small estimatioun befor the eyis of the warld (zit greit befor God) was hatit unto the deith. And that evin be Kingis, Queenis, Princes, and greit men of the warld, and finally be all the rabill of Sathanis suddartis, in Scotland, Ingland, and France. Zea, not only was he hatit, and raillit on, bot also persecutit maist scharply, and huntit from place to place as ane unworthie of ony societie with man. And althocht thay wer

michtie and potent, zea, and wantit na evill will, and he on the uther syde ane poor man, alane, and oft tymes without help, or assistance of ye warld, zit was he michtely preservit, and as in a maist sure saifgard (all the wickits attentis quha thristit nathing mair nor his blude being frustrat) conducted to ane maist quyet, peaciabill and happy end, to the greit advancement of Goddis glorie, and singulare comfort of his Kirk, and to the confusioun of Sathan and discomfort of all his wickit instrumentis. Thairfoir that this sa notabil and evident ane document of the loving cair of our God towardis his servands suld not with him be buryit bot abyde recent in memorie till all the inhabitantis of this realme in ail ages to cum ; I have preissit schortly in this lytill paper to mak, as it wer, ane memoriall of the same, and yat in that language quhilk is maist commoun to this hail realme, to the intent that asweill unleirnit as leirnit may be pertakeris of the same. Not that I think myself abill to handill sa worthie ane mater worthelie in ony tounge, bot that partly I may schaw my gude will in this mater, and partly to gif occasioun to utheris, that baith hes mair dexteritie in sic thingis, and greiter opportunitie of tyme, to intreit the same at greiter lenth. That be calling to mynd this notabill exempill of Godis loving cair towardis us, we all in thir feirfull dayis (quhairin he that seis not tryall approching neir is destitute of judgement) may be strenthnit and incourageit to ga fordwart uprichtly, everie ane in our awin vocation, without declyning outhir to the richt hand or to the left. And principally that our watche men faint not, nor begin to iouk, or flatter with the world for feir of tyrannis, bot that thay may have brasin faces, and foirheidis of iron aganis the threitnings of the wickit, condemning impietie of all persounis in plane termis, following the ensampill of this maist zelous servand of God, of quhome heirtfoir we have maid mentioun, and that being assurit gif sa thay walk uprichtly in dischargeing of thair office, that thay ar in ye protection of the Almighty.

And this small frute of my sober travellis, I have thocht gude to offer and present to zow (maist worthie Knicht) not

sa mekill for that, that I thocht it worthie to be presentit til ony : as that I wald let my gude will and grate mynd, be the same appeir towardis zow, throw quhais procurement I obtenit the benefit of that godly and faithfull (thocht mockit and falsly traducit of the warld) sociëtie, quhairof presently I am participant. For the quhilk I acknowledge me, and my humbill service alwayis addettit to zour honour. And howbeit (as I mon confes) nathing can proceid of me that may in ony wayis correspond to zour meritis towardis me : zit sal the thankfulnes of mind at na tyme (God willing) be deficient. Quhilk is to be acceptit, quhair uther thingis are lacking, in place of greit rewaird. And the rather have I takin bauldness to dedicat this lytill Treateis unto zour honour, baith becaus I understude zow ever to have bene sen zour chyldheid, ane unfenzeit favourar, and mantenar to zour power. of uprichtnes, quhais praise in this lytill Volume is intreatit. And also, that this notabill servand of God (quhais michtie preservatioun, notwithstanding the wickitis rage, to ane quyet end, chiefly mufit me to this busines) was maist belufit of zow quhile he levit, and yat for yat greit uprichtnes quhilk ze saw from tyme to tyme maist vively expres the self in him. And finally, that your honour may be mufit heirby, as ze have begune and continewit to this day ane zealous professor of Goddis word, mantenar of the samin, and lufer of his servandis : sa ze may perseveir to the end of zour lyfe, without sclander to zour profession, ever approving the treuth, and haitting impietie in all persounis, not leaning to warldly wisdome, nor jouking for the plesure of greit men in the warld : Sen nane of thir thingis, bot only uprichtnes can outhir mak ane plesand to God, or zit sure in this warld. And sa traisting that zour honour will accept this my sober offer (till God grant better occasioun of greter) intill gude part. I commit zow to the protectioun of the Almichtie, that quhen it sall pleis God to tak zow furth of this miserie, ze may end zour lyfe in the sanctification of his haly name. To quhome be praise and glorie, for ever. Amen. From Sanctandrois the xvij of February.



SEN that we se men till have studyit ay.  
 Into this eirth sic strenthis to prepar  
 As micht be saifgard to thame nicht and day,  
 Quhen ony danger dang thame in dispair.  
 Wald thow gude Reider have ane strenth præclair,<sup>1</sup>  
 Maist strang and stark to rin to in distres  
 This lytill schedull schortly sall declair<sup>2</sup>  
 How that the surest Towre is uprichtnes.<sup>3</sup>

Quhilk uprichtnes we may describe to be :  
 Ane trait of lyfe conforme to God's command,  
 Without all poyssoun of hypocrisie,<sup>4</sup>  
 Or turning to or fra, from hand to hand.  
 Bot stoutly at the word of God to stand.<sup>5</sup>  
 Eschewing always it for to transgres<sup>6</sup>  
 Not bowing back for thame that contramand.  
 This wayis we may describe this uprichtness.

For first thare is na castell, towre, nor toun,  
 Nor naturall strenth, as Alexander sayis,<sup>7</sup>  
 Bot mannis ingyne may vincous and ding doun,  
 As that he had experience in his dayis,  
 Na strenth was sure to thame that was his fais :  
 The Craig in Asia did beir witnes,<sup>8</sup>  
 Howbeit in hicht unto the sky it rais,  
 It was overcum for laik of uprichtnes.

Evin sa that bailfull Bour of Babilone,<sup>9</sup>  
 Na saifgaird was to Darius we reid,<sup>10</sup>  
 Suppois it was ane maist strang dongeone,  
 And mony ma I micht declair in deid,  
 Bot sic exempellis foraine nane we neid,  
 Quhat surenes fand the Bischopis halynes,  
 Into Dunbartane quhair he pat his creid.  
 It was not half sa sure as uprichtnes.

<sup>1</sup> Prover. 10, 12, 13, 18.<sup>2</sup> Eccles. 9.<sup>3</sup> Psalms 25, 27, 91.<sup>4</sup> Job. 31.<sup>5</sup> Prover. 5.<sup>6</sup> Psalm 18.<sup>7</sup> Q. Curt. li. 7.<sup>8</sup> Q. Curt. li. 7.<sup>9</sup> Q. Curt. li. 5.<sup>10</sup> Jeremi. 51.

The force of men gif ony will obtend,<sup>1</sup>  
 Kinred, or friends to be ane gaird maist strang,<sup>2</sup>  
 All is bot vane, thay can not man defend,<sup>3</sup>  
 For quha mair surely into royat rang,  
 Nor the greit Conquerour his freindis amang,<sup>4</sup>  
 Zit was he poysonit as sum dois express,  
 Intill his camp quhilk he had led sa lang,  
 Than quhat is force of man till uprichtnes.

Riches and rent we ken dois not abyde,<sup>5</sup>  
 Bot flitts and fochis ever to and fra,<sup>6</sup>  
 Than vane it is in thame for to confyde,<sup>7</sup>  
 Sen that we se thame asweill cum as ga,<sup>8</sup>  
 Thairfoir my freindis sen that the cace is sa,<sup>9</sup>  
 That warldly strenth can have na sickernes,<sup>10</sup>  
 Sum uther saifgaird surely we mon ha,<sup>11</sup>  
 Quhilk is nocht ellis bot only uprichtnes.<sup>12</sup>

But sum perchance that winks mair wylelie,  
 Will say thay wait ane wyle that I na wist,  
 With jouking thay will jangil craftelie,  
 And on their feit will ay licht quhen thay list :  
 Thinking all surenes thairin to consist ;  
 Hypocrisie is quent with quyetnes,  
 Bot all begylit thay ar into the mist.  
 For nathing can be sure but uprichtnes.

For quhat became of fals Achitophell,  
 For als far as he saw befoir his neis,<sup>13</sup>  
 The Scripture schawis I neid not heir to tell.  
 The lyke of this in mony Historeis,  
 I micht bring furth that to my purpois greis,<sup>14</sup>  
 How Hypocrites into thair craftynes,<sup>15</sup>  
 Thame selfis hes trappit with greit misereis,  
 Becaus thay did eschew all uprichtnes.

<sup>1</sup> Psalm 33. 40. 60.<sup>2</sup> Esai. 31.<sup>3</sup> Jeremi. 17.<sup>4</sup> Q. Curt. lib. 10.<sup>5</sup> Prover. 11.<sup>6</sup> Eccles. 5.<sup>7</sup> Job. 11.<sup>8</sup> Psalm 49.<sup>9</sup> Timot. 6.<sup>10</sup> Zephan. 1.<sup>11</sup> Eccles. 2.<sup>12</sup> Nahum 3.<sup>13</sup> 2 Sam. 17.<sup>14</sup> Psalm 7.<sup>15</sup> Ester, 7.

Bot quha sa ever on the uther syde.  
 Hes preissit peirtly to leif uprichtlie,<sup>1</sup>  
 And be the treuth bound bauldly till abyde :<sup>2</sup>  
 Hes ever had the maist securitie.  
 For thay had God thair buckler for to be,  
 Quhome we mon grant to be an strang fortres,<sup>3</sup>  
 Of quhome the Deuill can not get victorie<sup>4</sup>  
 Nor all the enemies of uprichtnes.

Think weill my freindis this is na fenzeit fair,<sup>5</sup>  
 For qua sa list of David for to reid,  
 May se quhat enemies he had alquhair,  
 And zit how surely he did ay proceed,<sup>6</sup>  
 Because he walkit uprichtly in deid.  
 He was mair sure from Saulis cruelnes,  
 Nor gif ten thousand men intill his neid <sup>7</sup>  
 Had with him bene syne lackit uprichtnes.

Of sic exempills we nicht bring anew,  
 Bot ane thair is that preifis our purpois plane  
 Of Daniell that Propheit wyse and trew,<sup>8</sup>  
 How oft was he in danger to be slane,  
 Into the Lyonis Den he fand na pane.<sup>9</sup>  
 The three Children the fyre did not oppres.  
 I think this only Historie nicht gane,  
 To preif how sure ane Towre is uprichtnes,

Bot zit becaus exempills fetchit far,  
 Mufis not so muche as thay thingis quhilk we se,  
 I purpois schortly now for to cum nar,  
 Unto the but quhair chiefly I wald be :  
 That is to schaw the prufe befor zour ee.  
 Of thir premissis as all mon confes  
 That hes sene God wirking in this countrie,  
 How ane hes bene preservit in uprichtnes.

<sup>1</sup> Ester, 6.      <sup>2</sup> Dan. 6.      <sup>3</sup> Psalm 76.      <sup>4</sup> Psalm 89.

<sup>5</sup> 1 Sam. 17, 18, 19, 20, 21, 22, 29, 33.

<sup>6</sup> 2 Sam. 2, 3, 5, 8, 15, 16, 18, 20.

<sup>7</sup> 1 Sam. 23.

<sup>8</sup> Dani. 6.

<sup>9</sup> Dani. 3.



It is Johne Knox in deid quhome of I mene,  
 That fervent faithfull servand of the Lord,  
 Quhome I dare bauldly byde at till have bene,  
 Ane maist trew Preicheour of the Lordis word.  
 I rak nathing quhat rebalds heir record,  
 Quha never culd speik gude of godlynes.  
 This man I say eschaipit fyre and sword,  
 And deit in peace, in praise of uprichtnes.

Bot that this may be maid mair manifest :  
 I will discurs sum thing in speciall,  
 Tuiching this Lamp, on lyfe quhill he did lest,  
 First he descendit bot of linage small,  
 As commonly God usis for to call,<sup>1</sup>  
 The sempill sort his summoundis til expres.<sup>2</sup>  
 Sa calling him, he gave him giftis with all.<sup>3</sup>  
 Maist excellent besyde his uprichtnes.<sup>4</sup>

For weill I wot that Scotland never bure,  
 In Scottis leid ane man mair eloquent,  
 Into perswading also I am sure,  
 Was nane in Europe that was mair potent.  
 In Greik and Hebrew he was excellent,  
 And als in Latine tounge his propernes,  
 Was tryt trym quhen scollers wer present.  
 Bot thir wer nathing till his uprichtnes.

For fra the tyme that God anis did him call,  
 To bring thay joyfull newis unto this land,  
 Quilk hes illuminat baith greit and small,  
 He maid na stop bot passit to fra hand,  
 Idolatrie maist stoutly to ganestand :  
 And chiefly that great Idoll of the Mes.  
 Howbeit maist michtie enemies he fand,  
 Zit schrinkit he na quhit from uprichtnes.

<sup>1</sup> Amos i. 7.<sup>2</sup> Mark i.<sup>3</sup> 1 Cor. i.<sup>4</sup> Jaco. 2.

The grevous Galayis maid him not agast,  
 Altho' the Prelats gold in greit did geif,  
 Ovir schipburd in the sey him for to cast,  
 He fand sic grace they sufferit him to leif.  
 Zea, mairatour thay did him not mischeif,  
 As thay did his Campanzeounis mair and les,  
 With pynefull panis quhen thay thair pythis did preif,  
 God sa provydit for his uprichtnes.

In Ingland syne he did eschaip the ire,  
 Of Iesabell, that monstour of Mahoun;  
 In Scotland nixt with terroure him to tyre,  
 Thay brint his picture in Edinburgh Toun.  
 Bot sen to Scotland last he maid him boun,  
 Quhat battell he hes bidden ze may ges,  
 Sen Dagon and thay Deuillis he gart ding doun,  
 In spyte of thame that haitit uprichtnes.

Thay that hes bene cheif in autoritie,  
 For the maist part had him at deidly feid,  
 Zit he eschapit all thair crueltie,  
 Howbeit oftymes thay did devyse his deid,  
 Zea sum wer knawin perfutely be the heid,  
 Quha undertuke his dirige for to dres,  
 Zit baudly be his baner he abaid,  
 And did not jouk ane joit from uprichtnes.

Bot chiefly enis he was put to ane preace,  
 Quhen that the Quene of tressoun did accuse him  
 Before hir Lordis in Haly Rudehous place,  
 Quhair clawbacks of the Court thocht till abuse him,  
 Sa prudently this Propheit yair did use him,  
 Into refuting of thair fulischenes,  
 That all the haille Nobilitie did ruse him,  
 And praisit God for his greit uprichtnes.

Quhen Queen and Court could not get him convict,  
 Bot sa wer disappointit of thair prey,  
 Thay fryit in furie that he schaipit quick,  
 Zit at the leist to get thair wills sum way,

Thay wald have had him wardit for ane day,  
 In Davejs Towre, zea, for ane hour or les,  
 It was denyit for ocht the Quene culd say,  
 Thair micht be sene how sure was uprichtnes.

Bot in quhat perrell trow ze he was last,  
 Quhen Edinburgh he left with hart full sair,  
 Doubtles na les nor ony that hes past,  
 In spyte thay spak that him thay suld not spair  
 Thay suld him schuit into the pulpet thair  
 Becaus he did rebuke thair fylthenes;  
 And mischant murther that infects the air,  
 Zit God preservit him in uprichtnes.

Mony ma dangers nor I can declair,  
 Be sey and land this Propheit did sustene,  
 In France and England, Scotland, heir and thair,  
 Quhilk I refer to thame that mair hes bene,  
 Intill his company and sic things sene.  
 Bot this far schortly I have maid progress,  
 To preif how God maist surely dois mantene,  
 Sic as continew intill uprichtnes.

For this excellent servand of the Lord,  
 Unto the deith was hatit as we know,  
 For sinceir preiching of the Lordis word  
 With Kingis, Princes, hie estait and law,  
 Zit in thair ire him micht thay not ovirthraw,  
 He did depart in peace and plesandnes:  
 For all the troublis that he hard us schaw  
 That he sustenit for lufe of uprichtnes.

And this is merwell gif we will considder,  
 Ane sempill man but warldly force or aide,  
 Aganis quhome Kings and Princes did confidder  
 How he suld fend from furie and thair fead,  
 Syne leave this lyfe with list for all thair plaid,  
 He had ane surer gaird we mon confes,  
 Nor ony warldly strenth that can be maid,  
 Quhilk was nathing bot only uprichtnes.



Bot sum may say quhairto suld thow prefer  
 This uprichtness quhilk thow extolls sa hie  
 Untill all warldly strenthis that ever wer?  
 Sen that the contrair daylie we may se,  
 How upricht men ar murtherit mischantlie,<sup>1</sup>  
 As first was Abell with greit cruelnes,  
 Gude Johne the Baptist,<sup>2</sup> and als Zacharie,<sup>3</sup>  
 Zea, Christ him self for all his uprichtnes,<sup>4</sup>

Peter and Paull with mony ma sensyne.<sup>5</sup>  
 And of lait zeiris in Ingland as we know,  
 How mony piteously was put to pyne,  
 And now in France that schame is for to schaw,  
 James our gude Regent rakkin in that raw,  
 Quha had rung zit wer not his richteousnes,  
 Sa, I can se nathing sa sone ovirthraw,  
 Man in this eirth as dois this uprichtnes.

To this I answer into termis schort,  
 Quhen warldly strenth is vincust and maid waist,<sup>6</sup>  
 With it man tynis baith courage and comfort,  
 Quhen it is tynt quhairin he pat his traist:  
 Bot quha that deith in uprichtnes dois taist,<sup>7</sup>  
 Sall have the lyfe that lests with joyfulness,<sup>8</sup>  
 Sa thay ar sure, becaus thay ar imbraist  
 Be the Eternall for thair uprichtnes.

But this sa lichtly we may not pass by:  
 I grant indeed quha preissis uprichtlie  
 To serve the Lord mon first them selfis deny,<sup>9</sup>  
 And na wayis dres to daut thame daintelie  
 Bot thame prepair for troublis identlie,<sup>10</sup>  
 For troublis ar the bage thay mon posses,<sup>11</sup>  
 Sen Sathan ceisis not continualie,<sup>12</sup>  
 To troubill thame that followis uprichtnes.<sup>13</sup>

<sup>1</sup> Gene. 4.    <sup>2</sup> Matth. 14.    <sup>3</sup> 2 Chro. 24.    <sup>4</sup> Matth. 27.

<sup>5</sup> Euseb. To. 4. fol. 7. Vide Sleidanum.

<sup>6</sup> Prover. 11.

<sup>7</sup> Prover. 11.

<sup>8</sup> Matth. 16.

<sup>9</sup> Matth. 16.

<sup>10</sup> 2 Timo. 3.

<sup>11</sup> Psalm. 34.

<sup>12</sup> 1. Pet. 5.

<sup>13</sup> Job. 1.

Quhylis harling thame befor Princes and Kings,<sup>1</sup>  
 As raving Rebalds rudelie to be rent,<sup>2</sup>  
 Accusing thame of troubling of all things,  
 As cankerit Carlis that can not be content,<sup>3</sup>  
 Except all things be done be thair consent :  
 Now scornit, now scourgeit, now band with bitternes,<sup>4</sup>  
 Imprissonit, and sindrie fassiounis schent,<sup>5</sup>  
 And sum tymes drevin to deith for uprichtness.<sup>6</sup>

This is thair lot oftymes I will not lane  
 Into this eirth that use to be upricht,  
 Bot quhat of this ? my purpois zit is plane :  
 That is, that thay ar surer day and nicht,<sup>7</sup>  
 For all this wo, not ony warldly wicht.<sup>8</sup>  
 For in thair conscience is mair quyetnes  
 In greitest troublis, nor the men of micht  
 Hes in thair castells, without uprichtnes.

For quhen Belshazzer greit King of the Eist,<sup>9</sup>  
 Ane thousand of his Princes had gart call,  
 Drinkand the wyne befor thame at the Feist,  
 Intill his prydefull Pomp Imperiall :  
 Evin in the middis of this his mirrie hall  
 He saw ane sicht that sank him in sadnes,  
 Quhen he persavit the fingers on the wall,  
 Wryting his wrak for his unuprichtnes.

Quhat sall I say I neid not till insist,  
 To schaw how thay to God that dois rebell,  
 In thair maist micht can not be haldin blist,  
 For in this warld thay do begin their hell,  
 As Cain did that slew the just Abell,<sup>10</sup>  
 Within thair breist thay beir sic bailfulnes,<sup>11</sup>  
 That tounge of men can not the teynd part tell,  
 Of inwart torments for unuprichtness.

<sup>1</sup> Luc. 21<sup>4</sup> Math. 27.<sup>7</sup> Psalm. 91.<sup>10</sup> Gene. 4.<sup>2</sup> 1. Reg. 10.<sup>5</sup> Jeremi. 38.<sup>8</sup> Psalm. 118.<sup>11</sup> Esai. 66.<sup>3</sup> 1. Reg. 17.<sup>6</sup> Act. 12.<sup>9</sup> Dani. 5.

Bot thay that walks uprightly with the Lord,<sup>1</sup>  
 In greitest troublis wantis not inwart rest,  
 As the Apostillis dounge for Godis word,<sup>2</sup>  
 Rejoysit that for Christ sa thay wer drest.  
 Peter in prisone sleipit but molest.<sup>3</sup>  
 Paull in the stocks and Syllas with glaidnes,<sup>4</sup>  
 Did sing ane Psalme at midnicht, sa the best  
 Surenes that man can have, is uprichtnes.

Sa be this surenes now I do not mene,  
 That Godis servands ar never tane away,  
 Be cruell men, for the contrair is sene,  
 For God oftymes of his judgements I say,  
 Letts thame so fall, as thocht befor the day :  
 To plague the warld for thair unthankfulnes,  
 Quhilk is not worthie of sic men as thay,<sup>5</sup>  
 Bot I mene this be strenth of uprichtnes.

That quhen it plesis God to let thame fall,  
 Thay have sic inwart comfort without cair,  
 That thay depart with joy angelicall,<sup>6</sup>  
 Of lyfe assurit that lestit for ever mair,  
 And zit sum tyme he dois his servands spair,  
 To let the Tyrannis se his michtines,<sup>7</sup>  
 In spyte of thame, that he can his alquhair,  
 Preserve maist surely intill uprichtnes.

Quhilk we have sene as we can not deny,  
 Into Johne Knoxis michtie preservation,  
 Quhilk till our comfort we suld all apply,  
 I mene that ar the Faithfull Congregatioun.  
 Sen he departit with sic consolatioun  
 Evin as he levit, he deit in faithfulness,  
 Being assurit in Christ of his salvatioun,  
 As in the end he schew with uprichtnes.

<sup>1</sup> Prover. 14.<sup>2</sup> Act. 5.<sup>3</sup> Act. 12.<sup>4</sup> Act. 16.<sup>5</sup> Esai. 3. Heb. 11.<sup>6</sup> Acts 7. 2. Timot. 4. <sup>7</sup> Esai. 41. Jerem. 1, 4, 5.



Sa is he past from pane to plesure ay,  
 And till greit eis doutles untill him sell,  
 Bot for ane plague till us I dar weill say,  
 As sair I feir we sall heir schortly tell,  
 Schir wink at vice beginnis to tune his bell.  
 Bot on this heid na mair I will digres,  
 That gude men hes mair rest in all perrell  
 Nor wickit in thair welth but uprichtnes.

Then sen alwayis we se that men ar sure  
 Throw uprichtnes quhidder thay live or die,<sup>1</sup>  
 Let all gude Cristianes imploy thair cure,  
 In thair vocatioun to leif uprichtlie,  
 And cheifly let all preicheouris warnit be,  
 That this day God and the gude caus profes,  
 Na wayis to wink at sic impietie <sup>2</sup>  
 And cheifly dois withstand all uprichtnes.

Taking exempill of this Propheit plane,  
 Quhome heir befor we breuit in this bill,  
 Quha Godis revelit will wald never lane,  
 Quhen men begouth for to delyte in ill,  
 He wald not wane ane wy for na mannis will  
 For to rebuke Erle, Barrone, or Burges,  
 Quhen in thair wickit wayis thay walkit still.  
 Follow this Lamp I say of uprichtnes.

Let. nouthur lufe of friend nor feir of fais,  
 Mufe zow to mank zour message, or hald bak  
 Ane iot of zour Commissioun ony wayis,<sup>3</sup>  
 Call ay quhite, quhite, and blak, that quhilk is blak,<sup>4</sup>  
 Ane Gallimafray never of thame mak :  
 Bot ane gude caus distingue from wickitnes,<sup>5</sup>  
 This kynd of phrais sumtymes this Propheit spak  
 Quhen he saw sum not using uprichtnes.

<sup>1</sup> Psalm 37.<sup>2</sup> Tit. 1.<sup>3</sup> Psalm 40.<sup>4</sup> Esai. 5.<sup>5</sup> Timot. 2.

In generall do not all things involve,  
 Thinking zour selfis dischargeit than to be,<sup>1</sup>  
 That na mannis mynd in maters ze resolve :  
 For (zit till use this same mannis elogie)  
 To speik the treuth, and speik the treuth trewlie<sup>2</sup>  
 Is not a thing (said he) brethren doubtles,  
 Thairfoir speik trewly but hypocrisie,  
 Gif ze wald have the praise of uprichtnes.

Let vice ay in her awin cullouris be kend<sup>3</sup>  
 But beiring with, or zit extenuatioun  
 Schawing how heichly God it dois offend,<sup>4</sup>  
 Spairing na stait that maks prevaricatioun,  
 Let it be sene till all the congregatioun,  
 That ze sic haitrent have at wickitnes  
 That ze mon dampne thair greit abominatioun,  
 Quha planely fechtis aganis all uprichtnes.

Quhilk tred of doctrine gif ze anis begin<sup>5</sup>  
 I grant the Devill and warld will be gane zow  
 The feid of fremmit, and craibing of zour kin  
 First ze sall find, syne terrour to constraine zow  
 To syle the suith, and sunze, I will plane zow,  
 The Zock is not sa licht as sum dois ges,<sup>6</sup>  
 Bot zit have ze na dreid quha do disdane zow,  
 Sen that zour fortres sure is uprichtnes.

For pleis it God zour lyfe to lenthen heir,  
 Thocht all the warld aganis zow wald conspyre,  
 Thay sall not have the power zow to deir,  
 Albeit thay rage an rin wod in thair ire,  
 And gif that God thinks gude be sword or fyre,  
 To let zow fall be ay in reddynes :  
 Being assurit that hevin salbe zour hyre,<sup>7</sup>  
 Because ze endit sa in uprichtnes.

<sup>1</sup> 2. Timot. 2.<sup>2</sup> Num. 23. 24.<sup>3</sup> 2 Timot. 4.<sup>4</sup> Acts. 17.<sup>5</sup> Esai. 58. 1 Timot. 5.<sup>6</sup> Psalm 38. Psalm 41. Nahum. 1. Psalm 31. Psalm 34.<sup>7</sup> Timot. 4

Christis sentence in zour gardene keip ay grene,  
 Quha savis his lyfe sall lois it not the les.\*  
 Quhilk evin into this warld hes oft bene sene,  
 Quhat gaine is than to deny uprichtnes?

Than to conclude, sen in thir dangerous dayis  
 Sa mony terrours Tyranis casts befor zow  
 Call upon God to strenthen zow alwayis  
 That with his haly Spreit he will decoir zow  
 As he hes done his servands ay befor zow  
 That ze may never wink at wickitnes †  
 With Gun & Gainze thocht thay boist to gor zow  
 Sen than zour Towre sa sure is uprichtnes.

ANE SCHORT DISCURS OF THE ESTAITIS QUHA HES  
 CAUS TO DEPLOIR THE DEITH OF THIS EXCELLENT  
 SERVAND OF GOD.

Thow poore contempnit Kirk of God,  
 In Scotland scatterit far abroad,  
 Quhat leid may let the to lament :  
 Sen baith the Tyger and the Tod,  
 Maist cruellie cummis the to rent,  
 Thow wants ane watcheman that tuke tent,  
 Baith nicht and day that nocht suld noy the,  
 Allace thow wants the Instrument,  
 That was thy Lanterne to convoy the.

Thy lemand Lamp that schew sic licht,  
 Was gude Johne Knox, ane man upricht,  
 Quhais deith thow daylie may deploir,  
 His presence maid thy bewtie bricht,  
 And all thy doings did decoir,

\* Math. 16.

† Esai. 51.



He did him haillie indevoir,  
 Thy richteous actioun to mantene,  
 And libertie to the restoir,  
 Pleading thy caus with King and Quene.

He never huntit benefice,  
 Nor catchit was with Couatice,  
 Thocht he had offers mony one:  
 And was als meit for sic Office  
 As outhur gellie Jok or Johne,  
 His mynd was ay sa the upon,  
 Thy only weifair was his welth,  
 Thairfoir lament sen he is gone,  
 That huikit nathing for thy helth.

Lament Assemblie Generall,  
 At thy Conventiounis ane, and all,  
 For thow will mis ane Moderatour,  
 Quhais presence muftit greit, and small,  
 And terrifeit baith theif and tratour,  
 With all unrewlie Rubiatour,  
 Thair joukers durst not kyith thair cure,  
 For feir of Fasting in the Fratour,  
 And tynsall of the charge thay bure.

Bot now I feir that thow sall se,  
 Greit missing of that man to be,  
 Quhen craftie heidis sall na mair hyde,  
 The hurde of thair Hypocrisie,  
 Bot all sinceirnes set asyde,  
 With policie will all things gyde,  
 Thir Balamis birds sair may thow feir:  
 Thairfoir be Godis buke abyde,  
 And to sic Bablers give na eir.

Give strange opiniounis enteris in,  
 Tak tent quha sic thingis dois begin,  
 And with sic matteris mynts to mell,  
 For Sathan ceisis not fra sin,  
 The Kirk of Christ seiking to quell,

Sic foly fail not to refell :  
 For quhen the reik beginnis to ryse,  
 The fyre will follow as thay tell,  
 Be it not quencheit be the wyse.

Bot cheifly murne and mak thy mane,  
 Thow Kirk of Edinburgh allane,  
 For thow may rew by all the rest,  
 That this day thow wants sickin ane,  
 Thy Speciall Pastour: and the best  
 That ony Kirk had eist, or west.  
 He did comfort the in all cair,  
 And the fairwairnd of thy molest,  
 Quhairby thow micht thyself prepair.

There was na troubill come to the,  
 Bot he foirspak it oppinlie,  
 Tho' sum the mater than did mock,  
 Gif he spak suith now thow may se,  
 This day thy heid is in the zock,  
 God send the blyithnes of this block,  
 And freith the from thy fais 'bove the,  
 For thow art the maist fervent flock  
 That Scotland beiris, as deid dois prove the.

And gif God sa handills the best,  
 Allace quhat sall cum of the rest,  
 Except repentance rin and red :  
 It is ane Mirrour manifest,  
 Of dule and dolour to be dred,  
 To fall on thame this barret bred.  
 Bot till our purposis to returne,  
 Thocht of this feir thow salbe fred,  
 Zit hes thow mater for to murne.

Becaus that watcheman thow dois want,  
 That the in puritie did plant,  
 And comfortit thy Congregatioun :  
 Bot zit tho' he be gane I grant  
 The Lord can send the consolatioun,

Gif thow give him dew adoratioun,  
 He will not leave the comfortles.  
 As alreddy thow hes probatioun,  
 God grant thy Preicheours uprichtnes.

¶ Ze Lords also that dois frequent,  
 The Loft in Sanct Geills Kirk lament,  
 That Bogill thair that ze hard blaw,  
 With quhome quhyles ze wer small content,  
 For the'schairp threitnings he did schaw:  
 Zit thay maid zow sumquhat stand aw,  
 Tho' not so muche as neid requyrit:  
 This day in grave he lyis full law,  
 Quhilk langtyme was of him desyrit.

For seing all things not go weill,  
 He said thair suld not mis ane reill.  
 That suld the cheifest walkin up  
 Gif he said fuith this day ze feill,  
 Luke gif God hes begun to quhup,  
 Bot thair byds zit ane sowrer cup,  
 Except zour maners ze amend,  
 The dreggs but dout als ze sall sup,  
 From quhilk danger God zow defend.

Sanctandrois als not to leif out,  
 His deith thou may deploir but dout,  
 Thow knawis he lude the by the lave  
 For first in the he gave the rout,  
 Till Antechrist that Romische slave,  
 Preicheing that Christ did only save.  
 Bot last, of Edinburgh exprest,  
 Quhen he was not far fra his grave,  
 He come to the by all the rest.

God grant that thow may thankfull be,  
 For his greit graces schawin to the,  
 In sending the his servands trew,  
 Amen. Thow heiris na mair of me.  
 Bot Kyle, and Cuninghame may rew,



Als sair as ony that I schew,  
 To quhome this darling was maist deir.  
 And uther gentill men anew,  
 Quhome I have not reheirsit heir.

Than last of all to turne to zow,  
 That wer our brethren, bot not now :  
 God grant agane ze may cum hame,  
 For we suld wis zour weill I vow,  
 As also did this man be name,  
 Tho' sum said he did zow defame,  
 He prayit to God that ze nicht turne,  
 That ze nicht schaip eternall schame,  
 Thairfoir zour part is als to murne.

For doubtles he was mair zour freind,  
 Nor thay that winkit, or manteind  
 Zour fulische factioun and unfair.  
 In deid that ze suld not susteind,  
 He thunderit threitnings to the air,  
 To terrifie zow mair and mair,  
 And rug zow back that ze nicht rew  
 For he knew perseveird ze thair,  
 Ze wer bot schipwrak but reskew.

Than all this land thow may lament  
 That thow lacks sic ane Instrument,  
 Till sum not plesand, zit, sa plane,  
 That all the godly was content.  
 Allace his lyke he left not ane,  
 Nor I feir sall not se agane :  
 But zit let us nawayis dispair,  
 For quhy our God dois zit remane,  
 Quha can and will for his prepair.

For tho' his deith we do deploir,  
 Zit is he not our God thairfoir :  
 As wickit warldlings wald obtend,  
 Gone is zour God quhairin ze gloir.  
 The leving God we mak it kend

Is he, on quhome we do depend,  
 Quha will not leave us in distres,  
 Bot will his servands till us send,  
 Till gyde us throw this wildernes.

Thairfoir letting thir Bablers be,  
 Quhais chief Religioun is to lie,  
 And all Godis servands to backbyte,  
 Traducing this man principallie :  
 Let thame spew out in their dispyte,  
 All that thay will be word or wryte.  
 Lyke as him self is into gloir,  
 Sa sall all ages ay recyte,  
 Johne Knoxis name, with greit decoir.

---

QUAM TUTUM SIT PROPUGNACULUM, DEO SINE FUCO IN-  
 SERUIRE, EX MIRIFICA EXIMII DEI SERUI JOHANNIS  
 KNOXII, IN TRANQUILLUM VITÆ EXITUM, ILLUSIS  
 OMNIBUS IMPIORUM CONATIBUS, CONSERVATIONE, &  
 EJUS EXEMPLUM SEQUI, MONEMUR.

QUEM petiere diu crudeles igne tyranni,  
 Sæpius & ferro quem petiere duces.  
 Occubuit (mirum) nullo violatus ab hoste,  
 Eximius Christi KNOXIUS ille sator.  
 Nam pater Æthereus Regum moderatur habenas,  
 Electosque potens protegit usque suos.  
 Muniat hinc igitur nostras fiducia mentes,  
 Ne mors nos tetricis terreat ulla minis.  
 Quoque ; minus trepidi sistamus tramite recto,  
 Hujus ne pigeat vivere more viri.

A MEMORIAL OF THE LIFE OF TWO WORTHYE CHRISTIANS, ROBERT CAMPBEL, OF THE KINYAENCLEUGH, AND HIS WIFE, ELIZABETH CAMPBEL.\*

TO HIS LOVING SISTER  
IN CHRIST, ELIZABETH

*Campbel of Kinyeanclevgh.*

Grace and peace from God the Father, and  
*the Lord Jesus Christ his Sonne, with the*  
assistance of God's Holy Spirit, to  
*the end and in the end :*  
Amen.

FINDING this little Treatise, (Sister, dearelie beloved in Christ) of late yeares amongst my other Papers, which I made about twentie yeares and one agoe, immediatlie after the death of your godlie Parentes of good memory, with

\* Some account of these two devoted promoters of the Reformation has been presented in Mr. Davidson's memoir. Campbell was a member of the house of Loudoun, and it is believed he was grandson of Sir George Campbell of Loudoun, founder of that family. He was an attached friend of John Knox and of the Regent Murray. According to Calderwood he keenly supported Mr. Davidson in the General Assembly of March, 1573-4, during the discussion in connection with his poem on the Regent Morton. He subsequently afforded him shelter and protection. Campbell died, on the 22nd April, 1574, under the circumstances detailed in the poem. His wife died in the month of June following. Their daughter Elizabeth, to whom Mr. Davidson dedicates this poem, succeeded to the estate of Kinyeanclevgh; it remained in the family till 1786, when it was sold to Claud Alexander of Ballochmyle. The poem was printed at Edinburgh in 1595 by Robert Waldegrave, under the author's supervision. Of that publication only a single copy is known to exist; it was sometime in the library of David Laing, Esq., LL.D., Edinburgh, and it is now in the possession of Charles Miller, Esq., Britwell. Fifty copies were issued by Mr. Maidment in 1829.



whome I was most dearlie acquainted in Christ, by reason of the troble I suffered in those daies for the good cause, wherin God made them chiefe comforters unto me, till death separated us. As I vewed it over, and reade it before some godly persones of late, they were most instant with me, that I woulde suffer it to come to light, to the stirring up of the zeale of God's people amongst us, which now beginneth almost to be quenched in all estates, none excepted. So that the saying of the worthie servaunt of God *Johne Knox*, (among many other his fore-speakings) proveth true, that is; *That as the Gospel entred among us, and was received with fervencie and heat: so he feared it should decay, and lose the former bewtie through coldnes, and lothsomnesse, howbeit* (as he said many times) *it should not utterly be overthrowen in Scotland, til the comming of the Lord Jesus to judgment, in spite of Sathan, and malice of al his slaves.* Howbeit, indeed it is not to be denied, but that the prophesie of that worthie Martyr *M. George Wishart*, shal prove as true, who, prophecyng of the victorie of the trueth shortly to followe in *Scotland*: said, *but allace, if after so great light and libertie of the Gospell in Scotland, the people shall become unthankfull, then fearfull and terrible shal the plagues be that after shal follow.*

But to the purpose, To their request at length I yeelded, although long unwilling, in respect of the basenesse of the forme of writing, which yet at the time of the making thereof, I thought most familiar according to the old maner of our countrie, to move our people to followe the example of these godly persones according to their callings and estate. And so beeing yet put in good hope that it would profite, I was contented it should bee after this manner published, committing the issue to our good GOD, who worketh sometimes by base meanes to some profit of the Church, according to his good pleasure. The saying also of *Gregorie Naziansene*, writing of *Basile* the great after his death, did not a little incourage me, it beeing by Gods providence in my handes when I was about to write this: The sense whereof followeth.

*It is a thing of most dutifull affection, to commend the memory*

*of holy persones that are departed, especially of such as have been of most excellent vertues, whether it be by friends or strangers:* I have directed it unto you, deare Sister, by name, that yee may make your profite of it in particular, for confirming you by the woorthie example of your Parents, in these evill and declining daies, in that godlie course of Christianitie, wherein it hath pleased GOD to make you succede unto them no lesse than to the worldlie heritage, proceeding rightly from them to you, after the death of their onely Sonne, *Nathaniel*, your Brother: though not without your crosse, your masters loving badge, given to you to beare, no doubt for your profite: The Lord strengthen you to beare it to his glorie and your comfort: And so I ende with this sentence of *BASILE*, *Take heede to your selfe, that ye may take heed to God.*

Farewell in Christ: From *Edinburgh*

the 24. of *May*, 1595.

*Your assured Friend in Christ,*

I. D.

SEN Poets in all times before,  
 Set all their care and endevore  
 Of worthie persons for to write,  
 When ever they saw them delit,  
 In wisdom justice or manheid,  
 Or any other vertuous deid:  
 Yea thogh vertue it had not bene,  
 Gif they like vertue had it seene,  
 The Poets of all former daies,  
 Would never cease it for to prayse  
 As of those Champions most strong,  
 The *Trojanes* and the *Greeks* among:  
 Did *Homer* write and *Seneca*,  
*Virgil*, *Ovid* and many ma:  
 Renowned *Romanes* to rehearse,  
 Wants not their worthies put in verse:

So we finde deeds of vassalage,  
 Set foorth by Poets in all age,  
 Even of *Grey-steill*, wha list to luke,  
 Their is set foorth a meikle buke,  
 Yea for to make it did them gude,  
 Of that rank rover *Robene Hude* :  
 Of *Robene Hude* and little *Fohne*,  
 With sic like outlawes many one :  
 As *Clim* of the *Clewgh* and *Cliddaislie*,  
 Because of their fine archerie :  
 Sen men I say then in those daies,  
 Took so great labour for to prayse :  
 Men for these vaine and earthly things,  
 That small or no true comfort brings :  
 Yea oft times hurtfull are and ill,  
 To sic as they are granted till :  
 Why should we not with all our might,  
 Write in thir daies of so great light :  
 Of faithfull godly men and wise,  
 Who for the trueth durst interprise :  
 To hazard at the Lord's command,  
 All that they had, both life and land :  
 As *David's* worthies had their prayse,  
 Ours should have theirs als in our daies :  
 Sik doughtie deeds of vassalage,  
 Should be remembred in all age :  
 Not to give flesh the praise therfore,  
 Bot onelie to give God the glore :  
 Who so his servants doth endue,  
 Unto his worke with all vertue :  
 That both vertue may praised be,  
 And also our posteritie,  
 May finde before them put in write,  
 Wherein their fathers did delyte  
 Not in the dark deeds of the night,  
 But in the comely waies of light :  
 In honest godly life and cleane,  
 And sa the difference betweene

Us that lives now in time of light,  
 Professing trulie in God's sight:  
 And them that lived in Papistrie,  
 In blindness and idolatrie:  
 Unto our off-spring shall appeir,  
 Whereby the lesson they may leir:  
 To flie from vice and vanitie,  
 And to embrace the veritie.  
 Likewise they that lives in this age,  
 Persaving deeds of vassalage:  
 Stowntnes in God and constancie,  
 For to be put in memorie:  
 And never man to be overseene,  
 That frak in the good cause hes bene:  
 Sic as hes spirits heroycall,  
 Will be more moved herewithall:  
 To be mair valiant stowt and wise,  
 In every godly interprise:  
 The lying locusts als of *Rome*,  
 That spread their lies through Christendome:  
 By their Chronicklers calumnies,  
 Whome they hyre to write hystories:  
 Of us and our Religion,  
 Shall be brought to confusion:  
 When they shall be made to confesse,  
 The good lives of some who professe,  
 The trueth of Christ, spite of their heartes,  
 Heir aswell as in other partes.  
 So shall not we our labours lose,  
 That writes our works to this purpose:  
 Our God's name to glorifie,  
 And Neighbours for till edifie.  
 Then to beginne but proces more,  
 We have had worthie men before:  
 Of all degries these fyfteeene yeers,  
 As the gude *Regent* with his feeres:  
*John Knox* that valyant Conquerour,  
 That stood in many stalward stour:



For Christ his Maister and his word,  
 And many moe I might record :  
 Some yet alive, some also past,  
 Erle *Alexander*, is not last,  
 Of *Glencarne*, but these I passe by,  
 Because their deeds are alreddy  
 By sundrie Poets put in write,  
 Quhilk now I need not to recite :  
 But forward to my purpose fare,  
 That is, to speake withoutin mare  
 Of twa best livers that led life,  
 Gude *Robert Campbel* and his wife,  
 Departed baith now of the late,  
 To heaven's blisse richt well I wate :  
 Sic twa I knowe not where to finde,  
 In all *Scotland* left them behinde :  
 Of sa great faith and charitie,  
 With mutuall love and amitie :  
 That I wat an mair heavenly life,  
 Was never betweene man and wife :  
 As all that kend them can declair,  
 Within the shirefdome of *Air*.  
 But to be plainer is no skaith,  
 Of surname they were *Campbels* baith :  
 Of ancient blood of this cuntrie,  
 They were baith of genealogie :  
 He of the shirefs house of *Air*,  
 Long noble famous and preclair :  
 Scho of a gude and godly stok,  
 Came of the old house of *Cesnok*,  
 Quhais Lard of many yeares bygaine,  
 Professed Christ's Religion plaine:  
 Yea eightie \* yeares sensyne and mare,

\* In 1494 a Provincial Synod was convoked at Glasgow by Archbishop Blackader, when thirty persons were arraigned for heresy, including George Campbel of Cesnock. James IV. who was present, counselled mild measures, and the accused were therefore dismissed with an admonition and warning.

As I heard aged men declare :  
 And als a cunning Scottish Clark,  
 Called *Alisius*\* in a wark,  
 Written to JAMES the fift our King,  
 Dois this man for his purpose bring :  
 Quha being to the scaffold led,  
 In *Edinburgh* to have thold dead,  
 For Christ's Evangell quhilk he red,  
 By *James* the fourth from death was fred :  
 Some sayes death was alswel prepard,  
 For Priest and Lady as the Lard :  
 This storie I could not passe by,  
 Being so well worth memory :  
 Whereby most clearlie we may see,  
 How that the Papists loudly lie :  
 Who our Religion so oft cald,  
 A faith but of fiftie yeare ald :  
 When even in *Scotland* we may see,  
 It has been mair than thrise fiftie ;  
 As by the storie ye may knaw,  
 Of *Reshby*† burnt before *Paule Craw*,‡  
 The thousand yeare foure hundreth five,  
 In *Perth*, while *Husse* was yet alive :  
 Sa of thir noble Houses ald,  
 Thir twa descended as is tald :  
 They had gude heritage in deede,  
 Whereto justlie he did succede :  
 For any Gentleman aneuch,  
 Whais chief style was the *Kinyeandleugh* :  
 Standing be-sowth *Machline* in *Kyle*,  
 About thre quarters of a myle.

\* Alexander Alesius, or Aless, or Alane, was born at Edinburgh on the 23rd April, 1500. A canon of the Priory of St. Andrews, he undertook to reclaim Patrick Hamilton, by whom he was converted to Protestantism.

† John Resby, the first person who suffered in Scotland in the cause of religious liberty, was burnt at Perth in 1407.

‡ Paul Craw was a Bohemian physician, and a disciple of Hugo and Wickliff. He suffered at St. Andrews in 1432.

But to our purpose to proceede,  
 And speake of him who was the heede  
 Of her a while holding our toung,  
 When that Religion was but young,  
 And durst not plainlie shew her face,  
 For tyrannie in publict place :  
 Some Preachers did till him resort,  
 Where mutuallie they gat comfort :  
 The trueth on their part was declard,  
 No temporall benefits he spared :  
 They lacked not gude intreatment,  
 In daylie food and nurishment :  
 Gif there wes mare necessitie,  
 They needed not to crave supplie :  
 Sa privatelie in his lodgeing,  
 He had baith prayers and preaching :  
 To tell his freinds he na whit dred,  
 How they had lang been blindlins led :  
 By shaveling Papists, Monks and Friers,  
 And be the Paipe these many yeares ;  
 When some Barrones neere hand him by,  
 And Noble men he did espie,  
 Of auld who had the truth profest,  
 To them he quicklie him adress :  
 And in exhorting was not slak,  
 That consultation they would tak,  
 How orderlie they might suppress,  
 In thair owne bounds that Idole mess :  
 In place thereof syne preaching plant,  
 To quhilk some noble men did grant :  
 And so their cace did humblie meene,  
 Oft to the Counsell and the Queene,  
 That this their sute might be effected,  
 But seing it meerely neglected ;  
 They did their minds freelie disclose,  
 In Counsell set for that purpose :  
 Of Queene and whole Nobilitie,  
 Protesting in humilitie,

They sought no alteration  
 Of State, but of Religion :  
 That Papistrie being suppress,  
 Christ might be preached east and west :  
 And seeing they were Magistrates,  
 As well as other of the States :  
 They would not suffer God his glore,  
 In their bounds thrall'd any more :  
 Quhilk they did soone performe in deede  
 And made them to the wark with speede :  
 And had some preaching publictlie,  
 Where people came maist frequentlie :  
 Whiles among woods in banks and brais,  
 Whiles in the Kirkyards beside their fais :  
 Thir Novells through the Countrie ran,  
 Quhilk stirred up baith wife and man :  
 So for to damne that devillish messe,  
 That Papists could them not suppress :  
 Then Queers\* and cloisters were puld down,  
 In sundrie parts of this Region :  
 But whether it was night or day,  
 Gude *Robert* was not mist away :  
 When they puld downe the Friers of *Air*,  
 Speir at the Friers gif he was thair :  
 The Lard of *Carnale* yet in *Kyle*,  
 Quha was not sleipand al this while ;  
 And *Robert* wer made Messengers,  
 Send from the rest to warne the Friers :  
 Out of those places to deludge,  
 Howbeit the Carls began to grudge :  
 Either with good will or with ill,  
 The keyes they gave thir twa untill :  
 After their gudes they had out tane,  
 So greater harme the Friers had nane :  
 Far unlike to their crueltie,  
 In their massacring boutcherie :  
 Resembling well their old Father,  
 Who ever was a murtherer :

\* Choirs.



Authoritie was hard to bide,  
 Quhilk Papists had upon their side :  
 Or rather to speak properlie,  
 Cheif persones in authoritie.  
 Therefore no time was for to sleuth,  
 To them who did professe the trueth :  
 Howbeit they wanted not that tyde,  
 Chiefe Counsellers upon their side :  
 And greatest Nobles not a fewe,  
 And of all other states anewe,  
 Who rightly in defence might stand,  
 Of Gods owne cause they had in hand :  
 Professing aye obedience,  
 In civil things unto their Prence :  
 In contrare whereof nane can say,  
 That they did practise night or day :  
 In cause of reformation,  
 Quhilk serves for confutation :  
 Of all our enemies eche one,  
 That blames us with seditiōe,  
 As by the word of God is plaine :  
 But that we may returne againe :  
 Then, *Robert* like a busie bee,  
 Did ride the post in all Countrie :  
 Baith North and Sowth, baith East and West,  
 To all that the gude cause profest :  
 Through *Angus*, *Fyfe* and *Lawthiane*,  
 Late journies had he many ane :  
 By night he would passe forth of *Kyle*,  
 And slip in shortly in *Argyle* :  
 Syne to *Stratherne* and to all parts,  
 Where he knew godly zealous hearts ;  
 Exhorting them for to be stoute,  
 And of the matter have no doubt :  
 For although said he we be few,  
 Having our God we ar anew ;  
 So no expenses he did spare,  
 Nor travells to ride late and aire ;

To get concurrance from all partes,  
 Which was obtaind with willing hearts :  
 So great this wark was first to band,  
 To plant Religion in this land :  
 And *tantæ molis* wes this gear,  
 Religioun this way to uprear ;  
 Though we with ease the kirnell eate,  
 The shel was not broken but sweate :  
 Thus many mirk midnight raid he,  
 And that all for the libertie,  
 Of Christis Kirk and the Gospell,  
 Sic carefull travells I you tell  
 Deserves well gude memorie,  
 And to be put in Poetrie :  
 In English, Latine, Dutch and Dence,  
 To stirre us up with diligence ;  
 When men nowe are become so cold,  
 That it is shame for to be told.  
 But to returne unto our tale,  
 When the cuntrie was moved hale,  
 To make to wark with spear and sheild,  
 He was not hinmost on the fiede :  
 Out of the West had any gane,  
 He missed never to be ane,  
 With wisdom manheid and counsall,  
 He comfort thir conventions all ;  
 Yea no Convention lesse nor mair,  
 Of any waight but he was thair :  
 Als when the Gentlemen of *Kyle*,  
 As they were frakkest all the while  
 In their assemblies would chuse out,  
 Some for to ride the post about,  
 If he had seene them once refuse,  
 By any manner of excuse,  
 He would soone say, trueth is doubtlesse,  
 My Brother hes sic businesse :  
 I know at this time he can noght,  
 But there shall be nane uther fought :

I will ryde for him verilie,  
 The nixt time he shall ride for me :  
 This was not once but almost ay,  
 So never did their purpose stay,  
 For fault of posting late or aire :  
 But yet or I passe further mair,  
 I man speak something of his Wife,  
 Quha never made barrat nor strife :  
 Nor this his doinge did disdaine,  
 Was never man heard her complaine  
 As many wives in the cuntrie,  
 I trow had loked angerlie  
 On her gude-man who at all tyde,  
 Was ay so reddy for to ryde :  
 For so oft ryding could not misse,  
 Bot to procure great expensis ;  
 He might look as they tell the tale,  
 When he came hame for ill cooked kail :  
 Ze have so meikle gear to spend,  
 Ze trow never it will have end ;  
 This will make you full bare there ben,  
 Lat see (sayes she) what other men,  
 So oft ryding a field ye finde,  
 Leaving thair owne labour behinde :  
 This and farre mare had oft bene told,  
 Be many wives, yea that we hold :  
 Not of the worst in all the land,  
 I speak not of that balefull band :  
 That Sathan hes sent heir away,  
 With the black fleete of *Norroway* :  
 Of whome ane with her tygers tong,  
 Had able met him with a rong :  
 And reaked him a rebegeastor,  
 Calling him many warlds weastor ;  
 Bot latting thir evill wives alane,  
 This gude wife murmuring made nane,  
 Bot ay maist gladly did consent,  
 To that wherewith he was content :

Rejoysing that he had sic hart,  
 For Christis Kirk to take that part :  
 Quhilk doubtlesse was ane vertewe rare,  
 But to returne to him but mair,  
 From ryding he did seldome rest,  
 Whiles in the east whiles in the west  
 To drawe the godly in ane band,  
 Impietie for to withstand :  
 Quhilk doubtlesse did the cause great gude,  
 For when al-quhare men understude,  
 What was the brethrens minde and will,  
 And what purpose they made them till :  
 They interprized in all parts,  
 More boldly knowing others harts :  
 This day I think we may perceave,  
 What missing of sic men we have :  
 When any danger dois appeir,  
 To warne the godly farre and neir  
 Our foes now here do us prevent,  
 Who ever are most diligent,  
 And slips no time, though we be slaw,  
 Themselves together for to drawe :  
 God steir some up sen he is gane,  
 That cost nor travell spared nane :  
 There was no gathering East nor West,  
 Saint *Johnestone* raid with all the rest :  
 Bot he was ever there for ane,  
 The warres so endit then and gane :  
 His counsale in the reformation,  
 Was well heard be the Congregation :  
 At the Assemblies Generale,  
 He was aye with his gude counsale.  
 What shall I say fen we began,  
 I wate well a mair carefull man  
 Not sparing travells, paines nor cost,  
 Was not in all the Lordis host :  
 Because then he was so sincere,  
 And fervent baith in peace and weare :



His name grew famous in all art,  
 The godly loved him with their hart :  
 There was fewe but heard well aneugh,  
 Of *Robert* of the *Kinyeancleugh* :  
 But the gude Regent by the rest,  
 Of all men loved *Robert* best :  
 He sawe in him sic fervencie,  
 Sic stowtness with sinceritie  
 He might oft gotten great reward,  
 But no sic thing he did regard :  
 He was voide of all covatyce,  
 And was least subject to that vyce :  
 And to the love of worldly wrake,  
 Of any man that ever spake :  
 His conscience he would not grieve,  
 No worldly goods for to atchieve  
 The half teinds of hale *VCHILTRIE*,  
 He did give over most willinglie ;  
 Quhilk his forbears had possest,  
 For sacriledge he did detest :  
 The minister he put therein,  
 God grant that as he did begin,  
 That all the rest that dois possesse,  
 The teinds of *Scotland* more and lesse,  
 Maist wrangouslie, wald them restore  
 As gude *Robert* hes gone before :  
 Bot no appearance we can see,  
 That they will do it willinglie :  
 For all the summoning hes bene,  
 By Gods Heraulds these yeaes fyftene,  
 Though I think they should feare to touch them,  
 Because that teinds did never rich them :  
 That hes meld with them to this day,  
 Yet no appearance is I say,  
 That ever they shall with them twin,  
 While God of heaven himselfe begin,  
 With force quhilk no man may withstand,  
 To pluck them cleane out of their hand

Quhilk shall be to their wrak and wo,  
 Because they would not let them go :  
 For no forewarning he could send,  
 When they had time and space to mend :  
 Though nowe this sacriledge seeme sweet,  
 Their off-spring shall have cause to greet :  
 When God shall call them for the wrong,  
 Done to him and his Kirk so long :  
 Bot to returne againe but more,  
 Good *Robert* did those teinds restore :  
 Whereby maist clearly we may see,  
 That na wayes covetous was hee :  
 Bot gentle kinde and liberall,  
 To all that needed great and small :  
 And chieffie to the godlie house,  
 He liberall was and harberous :  
 Ane number of the poore nightlie,  
 In *Kinyeancleugh* gat harberie :  
 Whome after supper he gart call,  
 To be examined in the hall :  
 Of Lords prayer and beleefe,  
 And ten Commaund, for to be brieve.  
 Gif that he found them ignorant,  
 Unto his place they durst not haunt :  
 Unto the time they learned all,  
 Also his servands he did call :  
 And every Sabboth him before,  
 To give a reckoning there but more :  
 O chiefe heades of Religion,  
 So they got great instruction :  
 Wherefore *John Knox*, that man of God,  
 Perceaving *Robert* to be od :  
 In cairfulnes and fervencie,  
 In soundness and integritie :  
 And for to be of gifts maist rare,  
 With him wes maist familiare :  
 For his Religion was not vaine,  
 Nor na lip-labor I make plaine :

Bot it wes baith in heart and deed,  
 Quhilk from ane true faith did proceed :  
 When gude *John Knox* for tyrannie,  
 At some times was compeld to flie :  
 Gude *Robert* wes aye be his syde,  
 Baith night and day to be his gyde :  
 In trouble and adversitie,  
 They kepted others companie  
 While at the last death did them twin,  
 Quhilk at *John Knox* did first begin :  
 From time *Robert* sawe him depart,  
 He thirsted ever from his hart :  
 That he might followe haistelie,  
 Quhilk wish he did obtaine shortlie :  
 For he had not long dayes here,  
 Efter *John Knox* wes brought on bere :  
 As afterward I shall make plaine,  
 Bot while on earth he did remaine :  
 His onely diligence and cair,  
 Wes to serve God baith late and air :  
 Alswell in weere as tyme of peace.  
 His wepons at the *Lang-fide* Feild :  
 When our men breisted up the bank,  
 He wes there in the formost rank :  
 Bot yet or thay began to yoke,  
 Immediatelie before the choke,  
 His sloghorne I cannot passe by,  
 Our men on his left hand gan cry :  
 A *Hume*, a *Hume*, with voces shill,  
 Ane other voce upon the hill :  
 He heard crying a *Dowglasse* fast,  
 Then bursted *Robert* forth at last :  
 And cryed with mightie voice abrode,  
 O our good God, O our good God :  
 Quhilk wes mair fearfull to his fais,  
 Nor all the voces there that rais :  
 We see in flesh he nothing bostis,  
 His trust was in the Lord of Hosts :

He was perswaded certainlie,  
 Or they began of victorie :  
 As the escheat quhilk he obteind,  
 Before the field of a chiefe friend :  
 Wha wes upon the contrare syde,  
 With all that there with him wold ryde :  
 Whais name I need not till expresse,  
 Of his foreknowledge bure wnesse :  
 Where also we have to considder,  
 How that thir twa spak not togidder,  
 Before that feild many a day,  
 And yet Gude *Robert* did not stay :  
 Before hand to take his escheit,  
 And that all for his Freinds proffit :  
 Quhilk wes a token on his part,  
 Of a most kinde and loving hart ;  
 I trow fewe men wold have done so,  
 But to our purpose let us go :  
 He stood then in that stalward stowre,  
 Where there were many dintis dowre :  
 So in that brunt maist valyantly,  
 That day he did full dowghtely :  
 While victory wes on our side,  
 And enemies no more might bide :  
 That day ane pleasant Feild fand he,  
 As his Sur-name dois signifie :  
 So evermore sen we began,  
 He hes bene ane maist constant man :  
 Not whiles on this side, whiles on that,  
 As bairnes use to flae the wyld cat :  
 Quhilk shall make his name last for ay,  
 In honour unto Domisday :  
 Where as starters from syde to syde,  
 Who be the gude cause did not byde :  
 Shall leave their names eternallie,  
 In shame to their posteritie ;  
 Because Gods cause they did bot mock,  
 Ay turning with the Wedder-cock :



Where they that with the Lord indure,  
 Shall finde his love constant and sure :

As it appeareth wele ynough,

In *Robert* of the *Kinyeandleugh* :

Whome God did honour every way,

In life and death and shall for ay.

Nowe beside this great carefulnesse,

In reformations gude successe :

I wat a mare peaceable man,

Was never sen the warld began :

Among Neighbours for to make peace,

God granted him a singular grace :

So wisely he could matters dresse.

With judgement and sic uprightnesse :

That even Papists would not refuse

This *Ireneus* for to chuse :

In warldly caces, for they kend,

Ane jote from right he wald not bend :

For no man levand friend nor fa,

I trow he left fewe marrowes ma :

The Nobills haill out through the west,

Baith Protestants and all the rest :

His great wisdom did reverence,

Sa that in things of importance :

His counsell they did sute and crave,

In their affaires and it receive :

His labours he did not deny,

To poore nor rich that dwelt him by :

So to the West he made sic steade,

That they may sare lament his dead :

I trow sic missing of a man,

Wes not in *Kyle* fen it began :

As the lamenting every whare,

Out through that cuntrie dois declare :

Bot chiefly pittie is to heare,

His tennants poore with drery cheare :

And heavie harts making their mone,

That their good Maister now is gone ;

Quha in no sort did them oppresse,  
 Bot wes their comfort in distrese :  
 He tuke payment aye as they might,  
 And never preassed them to hight :  
 Nor o'ertheir heades to set their rowmes,  
 Nor make them poore with great gressowmes :  
 He never warned man to flit  
 Except himselfe had wyte of it  
 Be unthrift, sluggishnes and slewth,  
 Or by contempt of God his trewth :  
 With sic na wayes he could agree,  
 That they should tennants to him be :  
 Most like unto good *David's* deed,  
 The hundreth one Psalme as we reed :  
 Yea he wald craib and much disdaine,  
 Gif they had tane God's name in vaine :  
 Thir tennants dowbtles were happie,  
 That sic a Master had as he ;  
 They wanted not, he had yneugh  
 At hame within the *Kinyeancleugh* :  
 It did him gude to see them thrive,  
 Quhilk made ilk ane with other strive :  
 Quha should best service to him make,  
 And for to please him be maist frake :  
 His wife also was of his minde,  
 Though many be not of her kind :  
 Bot on their husbands daylie harp,  
 That to their tennants they be sharp :  
 Thinking their state can na wayes lest,  
 Except their poore-anes be opprest :  
 So that they have not untane up,  
 Or Beltane come to byte or sup :  
 Syne hes their sommer maill to by,  
 Wherefore they man fell sheep and ky :  
 Quhilk dois undoe in this cuntrie,  
 The maist part of our Yeamanrie :  
 And brings great hurt ye may be sure,  
 Als to sic masters of thir poore :

Who be this sharp nipping are wracked,  
 While they themselves are farre worse stakked :  
 And hes les luk baith but and ben,  
 Nor when there was gude husbandmen :  
 That to the Lard gude service made,  
 And bakkit him unto the rade :  
 With bread and beefe unto the boyes,  
 That nowe I wat not wha destroyes :  
 But to returne againe but mare,  
 Gude *Robert's* Tennants fighes full fare  
 That their gude Maister they do want,  
 Quhilk they do not but cause I grant :  
 But whairto should I speak of tha,  
 He was a freind to many ma :  
 Yea, and ma than I can declare,  
 As men can best meane their owne fare :  
 For in all parts baith north and sowth,  
 They have Gude *Robert* in their mouth :  
 The godly cheifly in all arts,  
 His death lamented from their harts :  
*John Fohnstone*, writer, well might say,  
 He mist a speciall freind that day :  
 BARGANIE als may say the same,  
 And many ma whome I could name :  
 Bot how and where he did disceace,  
 I will declare nowe in this place :  
 As Ihave shawen you heirtofore,  
 Of his great travells evermore :  
 For rich and poore, for freind and fa,  
 He endit even his life time sa .  
 For last his cheife and kinsman deir,  
 The young SHIREF of *Air*\* but weir :  
 Whome *Robert* lovèd tenderly,  
 For the many gude qualitie :  
 In that young plant he sawe appeare,  
 Of age not passing twentie yeare :

\* According to Wodrow (*Analecta*) Campbell of Kinyeancleugh, the subject of this poem, having met the Regent Murray prior to the battle

Sic as wisedome and lawlinesse,  
 Kindnes of heart with trustinesse :  
 Activitie and gude courage,  
 As may be found in sic ane age :  
 Quhilk gifts I pray God may incres,  
 Wit hGod's true feare and zealousnes :  
 Now this his chiefe and kinsman too,  
 Having some biffines adoe :  
 In *Galloway*, therein welefar,  
 With his gude father *Lochinvar* :  
 Desired *Robert* for to ryde,  
 With him in companie that tyde :  
 That there his counsel he might use,  
 Gude *Robert* wald him not refuse :  
 Bot rayd with him maist willinglie,  
 To doe all friendly dewitie :  
 On Gude-Friday, when Sun was sett,  
 All in *Dammellintone* we mett :  
 For this time God provyded me,  
 In *Robert's* companie to be :  
 Where I sawe all things more and lesse,  
 That came to passe in this progresse :  
 In earth he onely at that houre,  
 In trouble was my comfortoure :  
 The cause at length of all this cace,  
 I have shawen in an other place :  
 There were we welcome with the hart,  
 Unto that kinde Lord of *Cathkart* :  
 With whome we lodged all that night,  
 The nixt day raid to *Rusko* right :  
 Where that most noble Laird foretald,  
 Dweltfor the time with his houshold :

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of Langside, requested him, in the event of a victory and the consequent forfeiture of Queen Mary's adherents, to grant him the estate of the Sheriff of Ayr. After the battle the Regent complied with Campbell's request, who immediately restored the possession to the sheriff, who was his near relative. The sheriff now embraced the reformed doctrines ; his descendants became earls of Loudoun.



Nowe all that day while there we raid,  
 Gude *Robert* was as blyth and glaid :  
 As ever he had bene before,  
 So when we were come there but more,  
 The princely house that we sawe there,  
 I am not able to declare :  
 It wald consume large tyme and space,  
 To tell the order of that place :  
 What comelie service but and ben,  
 With the great number als of men :  
 That do assemble in that hall,  
 At melted tyme as we it call :  
 Whereto should I ought of it say,  
 For it is like a young abbay :  
 Abundance baith of meat and drinke,  
 To man and boy at burde and binke,  
 With ordour and civilitie,  
 That might serve in the in countrie :  
 Now *Robert* at tyme of supper,  
 According to his grave maner :  
 Did talke of matters modestlie,  
 Quhilk alwaies were to edifie :  
 Quhairto the Larde gave right gude eare,  
 The rest with silence als did heare :  
 So supper done our prayers red,  
 We bound us shortly to our bed :  
 For *Robert* had ane use al-whare,  
 With God to be familiare,  
 Be publict prayer even and morne,  
 His house and familie beforne :  
 And by that, when he was at hame,  
 Twise in the day he thought no shame :  
 To passe untill his wood neerby,  
 Upon his God to call and cry :  
 With many sobbe and sigh for sinne,  
 That momently he did fall in :  
 And for the great rebellion,  
 Of this unhappie nation :

So plaine unthankfull in all places,  
 To our gude God for his great graces :  
 Gif this gude man sight every day,  
 Allace what shall we wretches say :  
 Quha twise perchance enters not in,  
 In halfe a yeare to sigh for sinne :  
 Gif this gude-man wha tuke sic care,  
 To serve his God baith late and aire :  
 Found so great matter of mourning,  
 Within and out morne and evening :  
 What uglie filth and floods of sin,  
 Think we wretches is us within :  
 That takes no thought of right or wrang,  
 Bot ane day come ane other gang :  
 And lets hale moneths whiles passe by,  
 Ourselves or we begin to try :  
 To what huge heaps growes sinne trow we,  
 In us this time that we ouersee :  
 I speak not of meere godlesse men,  
 That God and all goodnes misken :  
 And thinks their onely happinesse,  
 In wicked life and filthinesse :  
 Bot of our selves now I speak here,  
 Professing us God's children deere :  
 Alace, what cause have we to murne  
 For sinne. Bot now let us returne :  
 On Easter even, to beds we past,  
 Where all that night he gat gude rest :  
 Bot mare rest he gat little heir,  
 While his body was brought on beir :  
 For on *Pasche* day after he rais,  
 In tyme of putting on his clais :  
 He sayes, my head is somewhat sare,  
 Quhilk sore sank in minde but mare :  
 The prayers done, he sayes but lane,  
 I trow I man lye downe agane :  
 Bot yet I will go forth and see,  
 Gif that my head will better be :

Sa passing forth could not remaine,  
 Bot forced till come in againe :  
 In naked bed laid him downe thare,  
 It was his dead ill, what shuld mare :  
 Bot twa daies past or any kend,  
 What seiknes this was God him send :  
 Thairafter we persaved plaine,  
 That the hotte feavers brought that paine :  
 All meanes were used him to cure,  
 With diligence ye may be sure :  
 That were thought meet to make him hale,  
 Bot mannis travel cannot avale :  
 Against the purpose of the Lord,  
 Bot this one thing I man record :  
 The Larde and Lady of that place,  
 Were wondrous careful in this cace :  
 And visite him baith frequentlie,  
 Commanding things abundantlie,  
 Be their servands to be brought there,  
 That needful were and necessere :  
 The young Shireff seing the cace,  
 How his dear kinsman in that place :  
 Wha for his cause was then come thare,  
 Sa farre from hame handled sa sare :  
 With heavie heart did sigh and mone,  
 That he was like to lose sic one :  
 Wha was sa loving kinde and wise,  
 And needful in all interprise :  
 The Shireff's wife with hart full fare,  
 Him visited also late and aire :  
 Though I speak nothing of mysell,  
 There had I the strongst battel :  
 That to that day on earth I fand,  
 Quhilk few folk there did understand :  
 For as na man there bot onely he,  
 Knewe my state and adversitie  
 Quhilk is not needfull heere to shaw,  
 Bot God quha did my trouble knaw :

Quho never left me in distresse,  
 That time left me not comfortlesse :  
 Bot after fighting dayes thrie,  
 At length granted sic victorie :  
 That I was gladly weill content,  
 To God his will for to consent :  
 Whether it should be death or life,  
 That God would send him without strife :  
 For like heathen we should not be,  
 That mournes but measure as we see :  
 Sen we know we sall meet againe  
 In heaven for ever to remaine,  
 Whereto gif I had not tane tent,  
 I had great matter to lament :  
 To me he was so comfortable,  
 It to expresse I am not able :  
 Alswell in comfort spirituall,  
 As in these comforts temporall :  
 And that all for the lufe he bare,  
 To me in Christ ye may be sure :  
 In tyme of this his sicknesse sare,  
 He made me read baith late and air :  
 The whole Psalmes twise over in prose,  
 That served most for his purpose :  
 Als in the tyme that there he lay,  
 The waightie words that he did say :  
 And godly sentences maist hie,  
 Were worthie of all memorie :  
 Gif that the shortnes of our ryme,  
 Had us permitted at this tyme :  
 Yet this may well be mentiond heere,  
 He said to me, brother drawe neere :  
 I have bene fighting heere this hour,  
 And nowe am standing in the stoure :  
 With Sathan that old enemye,  
 Objecting this most earnestly :  
 Though I did godlines pretend,  
 God's gloir yet did I not defend :



When I heard men blaspheme his name,  
 In land and burgh, a-field, at hame :  
 Keeping silence and wist not why,  
 This in my eare he nowe dois cry :  
 Urgeing my great hypocrisie,  
 Bot I am sure of victorie :  
 In this point as in many other,  
 Through my deare Christ, yet hereof brother :  
 I thought good warning you to give,  
 That while on earth here ye do live :  
 Ye take heed how ye run your race,  
 Againe ye come to this my cace :  
 God grant heirop I make true use,  
 Where ever I heare sic abuse :  
 That faithfull here I may be found :  
 Sen God so straightly hes me bound :  
 To do my Christian dewitie,  
 In staying so great blasphemie :  
 Quhilk so aboundeth far and neir,  
 That sorrowfull it is to heir :  
 Alace gif Sathan durst accuse,  
 This fervent man who ay did use :  
 All meanes sic swearers to amend,  
 The most of any mair I kend :  
 How fearfull will his onset be,  
 On many one in this cuntrie :  
 The fears of God wha dois professe,  
 Yea mair, quhilk I ug to expresse :  
 Some that should season with their salt,  
 Others ar guiltie of this falt,  
 Wha can sit still and smoothlie heere,  
 Their companie baith banne and swere :  
 Which evill custome drawes on also,  
 Themselves to swearing or they go :  
 Great cause sal sic have to lament,  
 Except in tyme they do repent :  
 His other speaches all are pen'd,  
 In prose as after shall be kend :

He craved one thing ferventlie,  
 That he might end this miserie :  
 From time he sawe some of the Kirk,  
 Not uprightly beginne to wirk.  
 Bot Christ his cause for to betray,  
 This speach on dead bed when he lay :  
 He uttered oft with hart full sare,  
 Craving dissolving without mare :  
 Bot chieflie sen the Assemblie,  
 Halden the date of seventie thrie :  
 And saxt of March where many man,  
 In *Edinburgh* assembled than :  
 The double dealing he saw thare,  
 Past never from his heart but mare :  
 Na seiknes could make him forget,  
 That last Assemblie as it set :  
 Touching the quhilk what he spake thare,  
 Now is not needfull to declare :  
 God's just Judgements he did foresee,  
 Approaching fast to this cuntrie :  
 When some said Sir, why do you crave,  
 So earnestly this lyfe to lave ;  
 He sayd Brethren, sawe ye I wisse,  
 The fight I see of heavenly blisse :  
 And contrarewise, gif ye did see,  
 A blink of that great misery :  
 That unto *Scotland* fast doth hy,  
 Ye wald wish death as well as I :  
 So great is our ingratitude,  
 Persaving then for to conclude :  
 That he wes to depart this life,  
 He sent hame quicklie for his wife :  
 Quha but all tarying came thare,  
 Fra she got word with hart full sare :  
 She raid that wilsome wearie way,  
 Neir fourtie myles on Law Sunday :  
 Be she had beene there dayes thrie,  
 He parted from this miserie :

Till heavens blisse I am right sure,  
 His soule on Thursday next did sore :  
 So gude *John Knox* he followed sone,  
 Within a yeare and halfe was gone :  
 Then did the Lard of *Lochinvar*,  
 With all the cuntrie far and nair,  
 In ane litter his corps bring downe,  
 On Fryday to *Dammellintoune* :  
 That night fyfteene nights he did ly,  
 There blyth and glaid as he came by :  
 That night his body brought on beir,  
 An haistie change we may see heir :  
 In earth is na mair constancie,  
 Then wherefore pride-full should we be :  
 Or in these earthlie things confyde,  
 As we were ever heir to byde :  
 Sen we see all of women borne,  
 Bot this day heir away to morne :  
 Bot ane kennis not another gude,  
 On Saturday then to conclude :  
 The four and twentie of *Aprile*,  
 The Lairds and Gentil-men of *Kyle*.  
 Yea baith of high and lawe degrie,  
 Met him there with sic assemblie :  
 As was not seene in *Kyle* before,  
 This hundreth yeares and many more :  
 Many wette cheaks at that meeting,  
 There might be seene with sare sighing :  
 It wald have made anes hart full sare,  
 To see the meeting that was thare :  
 Though they knewe he was well but doubt,  
 Yet their affections bursted out :  
 And could not let them to lament,  
 For losse of sic an Instrument :  
 So they received the corps that day,  
 From *Lochinvar* and *Galloway* :  
 And with all honour did it bring,  
 Unto the Kirkyard of *Machling* :

Where they did burie him but mare,  
 And sa I leave him lyand thare :  
 And will speake something of his wife,  
 Wha shortly after left this life :  
 For as thay were baith joynd in hart,  
 Sa death almost could not them part  
 And as in life thay did agrie,  
 So death could not keepe them sundrie :  
 For in *Aprile* the twenty tway,  
 He did depart in *Galloway* :  
 In *June* next she gave up the ghost,  
 About the midst of it almost :  
 In the hote feaver she also,  
 Out of this miserie did go :  
 In *James Bannateins* house of *Air*,  
 For short before she had past thare :  
 Thinking to live most quietly,  
 Among that godly company :  
 For the hale race of all that hous,  
 Of *Kinyeancleugh* are right zealous :  
 And of lang tyme hes sa bene kend,  
 The Lord assist them to the end :  
 For *Robert* and this *James* of *Air*,  
 Sister and brother barnis ware :  
 And sa nane meeter she could finde,  
 For to remaine withall behinde :  
 Bot God had ordained what should mair,  
 That she should end her life in *Air* :  
 Fra her husband wes brought on beir,  
 She had no pleasure longer heir :  
 Bot did desire most hartfullie,  
 At God's pleasure with him to be :  
 Quhilk she obtained in short space,  
 And so was carried to that place :  
 In the Kirkyarde where he dois ly,  
 Of *Machling* and layd hard him by :  
 Lang may ye seek to finde sic tway,  
 As God there nowe hes tane away :



For what man he was I have told,  
 Of singular graces manifold :  
 And as for her the trueth to tell,  
 Among women she bure the bell :  
 During her daies in her degrie,  
 In godlines and honestie :  
 Of judgement rypest in God's Law,  
 Of any woman that I know :  
 In God's buke she was so verseit,  
 That scarce wald men trow to rehearse it :  
 Of so excellent memorie,  
 And als of sic dexteritie,  
 God's word to use to her comfort,  
 And theirs who did to her resort :  
 That her to heare it was delyte,  
 In Scriptures she was so perfyte :  
 Quhilk was not words and babling vaine,  
 Bot words with knowledge joynd certaine :  
 Quhilk in her life she did expresse,  
 By doing as shee did professe :  
 All God's true servants far and neir,  
 She did esteim as friends most deir :  
 And never loved societie,  
 With any godlesse companie :  
 Baith wise and provident was sho,  
 In houshold things she had ado :  
 Quhat should I say, this woman od,  
 Was his great comfort under God :  
 And doubtles was of God a blessing,  
 Of speciall gifts after his wishing :  
 So for to end as I began,  
 I wat sic ane woman and man :  
 Of so many gude properties,  
 Of rare and heavenlie qualities :  
 Is not in *Scotland* left behind,  
 Whais waytaking we be not blind :  
 Should make us clearlie understand,  
 That God's just judgements are at hand :

To punish the rebellion,  
 Of this maist stubborne nation :  
 Who to God's will dois not attend,  
 For no punishment he dois send :  
 For we may easilie considder,  
 The waytaking of thir together :  
 Of so excellent behaveours,  
 And that almost bot in their flowers :  
 For nane of them was past throughlie,  
 The age of fourtie yeares and thrie :  
 Tis not for nought what e'er it be,  
 That is to followe hastelie :  
 For why sic as the Lord God loves,  
 Before the plague he oft removes :  
 According as the Scripture sayes,  
 Quhilk shortned good *Josias* dayes :  
 With many others that are past,  
 And that great plagues approched fast :  
 Gude *Robert* as we heard before,  
 Foresawe and plainly did deplore :  
 As all man grant as well as he,  
 That hes judgement or eies to see :  
 Therefore fen they are tane away,  
 For to forewarne us all I say :  
 That God is reddy for to come,  
 With plagues to punish all and some :  
 That dois delight in wickednes,  
 In reif, murther and filthines :  
 And covatyce whereof they grow,  
 Quhilk this hale cuntrie dois overflow :  
 And all the lang rebellion,  
 To God within this nation :  
 Whose judgements now we see appeare,  
 And their forerunners drawing neere :  
 Let us with all the speed we can,  
 Go hide us with the prudent man :  
 That seis the plague while it is far,  
 And hydes himselfe or it come nar :

By turning unto Christ our King,  
 And hyding us under his wing :  
 Wha in all tempest, wind and preace,  
 Is our refuge and hyding place ;  
 As *Isay* in the thirtie tway,  
 Of that his Prophecie dois say :  
 So we of safetie shall be sure,  
 What ever plagues ill men endure :  
 On whome that great day but releif,  
 Shall suddainely come as a thief :  
 And turne in twinkling of an eye,  
 Their joy and mirth to miserie :  
 And we shall passe for evermore,  
 To raigne with Christ our King in glore :  
 Who saved us, and none but he,  
 Bearing our sinnes upon the tree :  
 To whome therefore ever be praise,  
 And to the Father eik alwaies :  
 And to the Holy Sprit most free,  
 One onely God and persons three.

THE GREAT MACE, AND OTHER CORPORATION  
INSIGNIA OF THE BOROUGH OF LEICESTER,

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THE custom of distinguishing men occupying positions of power as chiefs or rulers of the people by some outward symbol of authority, such as the mace or the sceptre (terms indeed often used as synonymous\*), denoting the dignity of their office, is one undoubtedly of very great antiquity, both amongst savages in all ages, like the aborigines of Australia and New Zealand, and from the times of the polished ancient Greeks and Romans down to our own day.

The club or mace, formed originally of hard wood, and the latter, subsequently either wholly or in part of metal, would naturally be adopted as one of the earliest weapons of primitive man, but it soon came to be regarded as a symbol of authority.

We learn that maces were in common use in warfare amongst the ancient Greeks, the name (*κορυνη*) being derived from the little horns or spikes by which the head was surrounded, it being thus the prototype of the "morning star" of Scandinavia; and it may be mentioned incidentally that on the font at Wandsford Church, Northamptonshire, of about the reign of William Rufus, are sculptured two warriors fighting, bearing shields, one of whom is armed with the mace and the other with that singular weapon consisting of a staff to which is attached by a chain an iron ball covered with spikes; and it may be remembered that one of the giants in the Guildhall, London, is thus armed.

\* The most ancient mace of the Lord Mayor of London is termed the "sceptre."



Many ancient Græco-Roman mace-heads have been frequently dug up in Italy, several of which are in the British Museum.

As Plutarch informs us, Periphetes, slain by Theseus, was named "Corynetes," or the "Mace-bearer," and that weapon was adopted by Theseus, which, we are told became in his hands irresistible ; and Homer gives the same appellation to Areithous. Indeed, Dr. Clarke has derived the origin of the Corporation mace from the ancient Greeks. He says that "the sceptre of Agamemnon was preserved by the Chæro-neans, *and seems to have been used among them after the manner of a mace in corporate towns*, for Pausanias relates that it was not kept in any temple appropriated for its reception, but was annually brought forth with proper ceremonies, and honoured by daily sacrifices, and a sort of mayor's feast seems to have been provided on the occasion." \*

Although during a prolonged but unknown period down to the present day it has been customary on all occasions of state processions at Rome for mace-bearers with silver maces to be in close attendance upon the Pope, the origin of the mace-bearers of our corporate towns is, however, rather to be sought in a warlike than a religious source.

In the Middle Ages the mace was a common weapon with ecclesiastics, who, in consequence of their tenures, frequently took the field, but were, by a canon of the Church, forbidden to wield the sword.† It strikes me as not improbable that in this custom we have the origin of the use of the mace as a symbol of authority by our cathedral and other ancient religious bodies. Odo, Bishop of Bayeaux, at the battle of Hastings, was a noted instance of the use of the mace as a weapon by an ecclesiastic, as described in the "Roman de Rou," by Master Wace.

In all probability its use by lay corporations may be traced to the corps of sergeants-at-mace, instituted as a body-guard

\* Fosbroke's "Encyclopædia of Antiquities."

† See M. Le Grand's "Fabliaux of the xii. and xiii. Centuries," by Way and Ellis, i., p. 190.

both by Philip Augustus of France and our own Richard I., whilst with the Crusaders in Palestine.

We learn that when the former monarch was in the Holy Land he found it necessary to secure his person from the emissaries of a sheik, called "the Old Man of the Mountain," who bound themselves to assassinate whomsoever he assigned. "When the king," says an ancient chronicler, "heard of this he began to reflect seriously, and took counsel how he might best guard his person. He therefore instituted a guard of *serjeants-à-maces* who night and day were to be about his person in order to protect him." These *sergens-à-maces* were "afterwards called sergeants-at-arms, for Jean Bouteiller (*Somme Rurale*, lib. ii.), who lived in the time of Charles VI., that is, at the conclusion of the fourteenth century, tells us, 'The *sergens d'armes* are the mace-bearers that the king has to perform his duty, and who carry maces before the king; these are called sergeants-at-arms, because they are sergeants for the king's body.' " \*

We learn further that Richard I. of England soon imitated the conduct of the French king, but he seems to have given his corps of sergeants-at-arms a more extensive power. Not only were they to watch round the king's tent in complete armour, with a mace, a sword, a bow and arrows, but were occasionally to arrest traitors and other offenders about the court, *for which the mace was deemed a sufficient authority*; hence they came to be denominated "the valorous force of the king's errand in the execution of justice." †

As regards the costume of these important officials, we find that according to the orders given by Thomas of Lancaster, constable at the siege of Caen, September 3rd, 1417, a sergeant-at-arms was to appear in the king's presence with his head bare, his body armed to the feet, with the arms of a knight riding (*i.e.*, with armour such as used by knights when they fought on horseback), wearing a gold chain, with a medal bearing all the king's coats (*i.e.*, armorial bearings quartered),

\* Meyrick's "Antient Armour," i., p. 88.

† *Ibid.*, p. 89.

with a peon royal, *or mace of silver*, in his right hand, and in his left a truncheon.

Hence, in all probability, was derived the custom of the chief magistrate of a municipality, who, as such, is the representative of the sovereign, being attended by his mace-bearer, as a symbol of the royal authority thus delegated to him.

We hear of the mace of the Lord Mayor of London being in use in the early part of the fourteenth century, but at what period the custom was first introduced into Leicester—also one of the most ancient of our boroughs—is unknown, as, unfortunately, none of our local records now remaining (although some of them are as early as the reign of Richard I.) throw any light on this subject; however, as will be seen hereafter, entries of payments to the mace-bearer, or mayor's sergeant, occur early in the fourteenth century. We find, that as early as the beginning of the reign of Henry the Eighth two maces at least were then in use here, as they had been doubtless long before. We learn this on the authority of the parchment roll of the town accounts for the year 1517, being the first of the series of the chamberlains' accounts now in the muniment-room at the Guildhall,\* which contains the following entries:—

“Item, for mendyng of the Maase ..... xxij<sup>d</sup>”

Item, for mendyng of the brason Mase iiij<sup>d</sup>”

Up to the passing of the Municipal Corporations Reform Act in 1835, in addition to the “Great Mace,” or the “Mayor's Mace,” as it was indifferently termed, and which was of silver-gilt, four other maces, known as the “Silver Maces,” or the “Lesser Maces,” were also part of the corporation insignia; and which, if not coeval in their introduction with the

\* The earliest part of this ancient building belonged to the religious guild of Corpus Christi. It contains the minstrels' gallery, and there is strong circumstantial evidence of Shakspeare and Burbage having performed in it with the company of players of which they were members. The hooks and pulley to which the curtain was attached still remain.



"Mayor's Mace," were evidently in use at an earlier period than our local records now enable us to decide, as in the account for the year 1531 appears a charge of six shillings and eightpence for renovating "y<sup>e</sup> iiij mases of syluer."

There was also "paede ffor mendyng Mr. Maeires mase ij<sup>s</sup>," and "Item, paede for mendyng of y<sup>e</sup> nyghtt mase ij<sup>d</sup>," the latter doubtless being identical with the "brazon (or copper) mace" before-mentioned, and which in all probability was used when the mayor was called upon at night to exercise his magisterial authority in "setting the watch," or in quelling disturbances of the public peace, as not infrequently occurred; on many of which latter occasions the 'night-mace' doubtless reverted to its pristine use as a weapon, and, like the constable's staff of the modern policeman, has often been vigorously wielded by its bearer in upholding the insulted majesty of the law.

The office of mace-bearer, or, as it was originally termed, "mayor's sergeant," and also those of the other sergeants-at-mace (although, like the symbols which they bore, there is no record remaining of when they were first instituted), were evidently of great antiquity in this borough, and in the Middle Ages were regarded as being of far higher importance than they came to be esteemed in modern times.

Instances are to be met with in our records in which the mace-bearer has the designation "Gentleman" (*generosus*) appended to his name, and his office was at a former period deemed of at least equal importance with that of the Town Clerk (or, as that officer was at first termed, the "Mayor's Clerk"), if we may judge from the fact that in early times they were each paid the same salary, and at a somewhat later date the salary of the Mayor's sergeant was double that of his clerk.

The rolls of the town accounts contain various particulars on these points. Thus from the account for the year 1318 we learn that half a mark each was paid as the salary of "Hugh, the Town Serjeant," and of the Clerk, the whole of the year's expenditure being £31 11s. 5d. (as against upwards



of £100,000 a year at the present time); and the same annual sum of six shillings and eightpence continued to be paid to those officers for many years, until in the third year of King Richard II. (October 9th, 1379) new ordinances were adopted "with the unanimous consent of the whole community of the town," by which 40s. a year became payable to the Mayor's Sergeant as his wages, and 20s. a year to the Mayor's Clerk, who was also to attend upon the chamberlains for the time being.

In the mayoralty of John le Mawre (or Marew), in the 11th year of Edward II. (1317-18), William of Holegate was amerced in a heavy fine *for cursing and contemptuously treating the "common serjeants"* during a disturbance which took place in the town respecting taxation, on which occasion a man called "the Mustarder" was also charged with having abused and cursed the tax-collectors *before the people in the High-street.\**

This entry proves that as far back as five centuries and a half ago there were several (doubtless five) sergeants-at-mace appointed by the municipal authorities of this town, and who, we may conclude, were bearers of the "Great Mace" and the four "Lesser Maces" as the symbols of their authority as the Mayor's officers, as they continued to be down to the year 1836.

Mr. John S. Burn has communicated to *Notes and Queries* (3rd S., x., p. 403) some curious particulars from two Star Chamber cases in which the mace is prominently noticed, and which illustrate also the authority with which its bearer was held to be invested:—

"In the 2nd Eliz. Sir John Guildford sued White for a riot in getting possession of Padiham Marsh, and for a contempt for the Mayor of Winchelsea and his officer, *bearing the mace*. White was fined twenty nobles 'for renewing or making greater of a new mace.'

"The other case was in the 2nd Hen. VIII., in which some

\* Thompson's History of Leicester, p. 102.

sergeants-at-mace were censured as rioters for entering into a chamber of a tavern in London and drawing their swords *before they showed their mace.*"

As regards the number of sergeants-at-mace in Leicester, there appears no reason to doubt that when the town came to be regularly incorporated, the same officials would be re-appointed by royal charter as had previously existed by prescriptive right. Thus among the officers enumerated in the second charter of incorporation granted by Queen Elizabeth in June, 1599, are *five sergeants-at-mace*, whose duties were to execute all proclamations, precepts, processes, and other business to them pertaining, to be attendant upon the mayor and bailiffs, *and to carry maces of gold or silver before the mayor.*

In the chamberlain's account for the year 1551-2 we have the following entries:—

- "Item, p<sup>d</sup> to John Wryght for payntyng in Mr. Meres [Mayor's] chappell for the Mace ..... xij<sup>d</sup>.  
 "Item, p<sup>d</sup> to Robert Hore for an yorne [iron] to hang the mace in ther ..... iiij<sup>d</sup>."

These supply one of many illustrations of the time-honoured custom of the Mayor and Corporation, under the old *régime*, attending divine service on Sundays in state, in their robes, accompanied, of course, by the mace-bearers, and numerous orders and regulations were made both before, and especially during the Puritan times, for the compulsory attendance of the whole of the inhabitants "at the sermons," both at the Sunday and the week-day services. The Mayor's Chapel here referred to was doubtless St. George's Chapel, in St. Martin's Church, adjoining the Guildhall, which before the Reformation had been appropriated to St. George's Guild, with which fraternity the Mayor and Corporation were closely connected. The chapel contained a figure of the saint on horseback, "armed in complete steel," and what has been described by our local historian, Throsby, as "the grandest solemnity of the town" was the annual festival of the *Riding of the George*, described

in a document of 1523 as "the old ancient custom;" the procession through the streets being accompanied by the Mayor and Corporation in state, with the maces displayed, and not infrequently by the Earl of Huntingdon and other magnates of the county. A full description of this and of other local pageants will be found in my *Notices illustrative of the Drama, &c., in Leicester*.\*

Among various charges for repairing the mace which occur in the accounts under various years, we find one in 1560, "for mendyng and gylding the great mace, with mendyng the new headds of the Chamblyns staues, xxiiij<sup>s</sup>. viij<sup>d</sup>," the latter being of silver, in the form of the cinquefoil, the town badge.

A quarter of a century later, owing, it is to be presumed, to the greatly increased importance of the Corporation, it was thought desirable that a new mace should be provided, and in the account for the year 1584-5 we meet with the following entries as to its purchase:—

"Item, paied to Mr. Nicholas Heyricke of London, Goldsmith, for a new mace of sylver, all gilte, wayinge xliij ounces and a half at viij<sup>s</sup>. vj<sup>d</sup>. the ounce, the sylver, makeinge, & gyldinge comes to xvijj<sup>li</sup>. j<sup>s</sup>. iij<sup>d</sup>.; ffor gravinge the armes therein xxx<sup>s</sup>., & for a case for it v<sup>s</sup>. Soe all the wholl comes to xix<sup>li</sup>. xvj<sup>s</sup>. iij<sup>d</sup>., whereof deduckted, geven by the said Nichas Heyrick, xl<sup>s</sup>.

"The some payed is..... xvij<sup>li</sup>. xvj<sup>s</sup>. iij<sup>d</sup>."

The Nicholas Heyrick here referred to was an eminent banker and goldsmith, in Cheapside, London, a native of Leicester, and an elder brother of Mr. (afterwards Sir) William Herrick, who after being Queen Elizabeth's ambassador to Turkey was the principal jeweller to King James the First, a Teller of the Exchequer, and member of Parliament for his native town, who was the ancestor of the respected Mr. William Perry-Herrick, the present possessor of Beaumanor Park, and which beautiful and formerly royal domain he has inherited by lineal descent from Sir William, whose

\* Published by J. Russell Smith, London, 1865.



portrait may still be seen in the Mayor's parlour at the Town Hall.\*

At that time another of the brothers, Alderman Robert Heyricke† was Mayor of Leicester, and we have the following recorded among the proceedings at a Common Hall, under his presidency, held on the 19th January, 1585 :—

“Item. Att this Coēn Hall the newe Mace shoed and order taken for the payment therof as followeth :

“Item, yt ys agreed that neyther the salt nor the old Mace shalbe solde for the paymente of the newe Mace, but shalbe paid for as followeth, vicz. The xxiiij<sup>li</sup>.—iij<sup>s</sup> iiij<sup>d</sup>. a peece. The xlvij<sup>li</sup>.—xx<sup>d</sup>. a peece : And the residue that shalbe lackinge to be paid on the Towne Stocke. This agreed upon by the greater parte of the Hall.”

At the same time with the Mace new silver tops were purchased for the Chamberlains' staves at a cost of 30s. “besides the olde sylver,” and 18s. 5d. paid for two “squitchins” (escutcheons) for the Waits boys, and a badge or cinquefoil for the beadle, more than the silver of the old cinquefoil came to.

By immemorial custom the dignity of the mayoralty was in part sustained by a company of minstrels, known from their first appearance in the town accounts, down to their final dismissal at the end of 1835, as “the Town Waits.” Like the sergeants-at-mace, no record remains of their first appointment here, but it is not improbable that they might have existed since the days when our great Earl, John of Gaunt, the great patron of the minstrels' art, held his court in royal state in his

\* A valuable series of Sir William Herrick's MSS. as a Teller of the Exchequer, &c., arranged and bound in volumes under the superintendence of the late Mr. John Gough Nichols, F.S.A., and also original letters of “rare old Herrick, the Cavalier Poet,” chiefly asking for loans of money, are preserved at Beaumanor.

† His portrait also hangs in the Mayor's parlour at the Town Hall, and has the following quaint lines painted on the canvas :—

“His picture whom you here see,  
When he is dead and rotten,  
By this shall remembered be  
When he shall be forgotten.”



castle of Leicester, for as early as the year '1308 his predecessor Thomas, Earl of Lancaster and Leicester, had his company of minstrels.\*

The Town Waits were to be in attendance on the Mayor on all state occasions, as proclaiming the May-day and other fairs, and at the mayor's feast they occupied the minstrels' gallery in the Guildhall; they were also to play daily in the town, both night and morning, besides other duties which are fully described in my work on the Drama, &c., in Leicester, already referred to.

As early as the year 1314, "Hugh the Trumpeter," a retainer of the earl, was made free of the Merchant Guild; in 1481 the name of Henry Howman, who is described as a harper, appears on the roll; whilst in 1499, Thomas Wyllkyns, "*Wayte*," was admitted into the guild.

The number of the town waits was originally and for a considerable time limited to three, afterwards increased to five, and subsequently a sixth was added. They were each provided, sometimes annually, at other times biennially, with a scarlet gown or cloak, edged with silver lace, for which at a later period gold lace was substituted; and they were suspended round their neck by a chain of the same metal, a large silver escutcheon or badge of the town arms, the cinquefoil, which was also embroidered on the sleeves of their gowns.

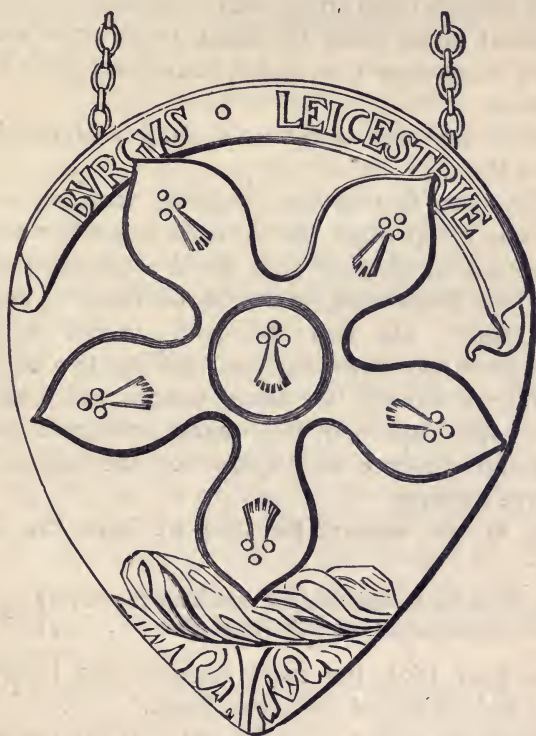
In the account for the year 1524 there is a charge for sixteen shillings for "liveries" for the waits, and similar entries (with, of course, from time to time, a proportionate increase in the amount) are of constant recurrence down to the Commonwealth, when for a time they disappear, to be resumed after the Restoration.

The first entry I have met with respecting these silver badges as a part of the corporation insignia is an incidental one in the earliest of the hall books (p. 81). This is a "memorandum" (in Latin, with many contractions):—"That on the 13th January, 18th Henry VIII. (1503), William Ffrysley,

\* Lansdown MSS., No. 1.

Mayor of the town of Leicester, received of John Clement (late Chamberlain) four collars of silver, weighing twenty-three ounces of troy weight, which the said Mayor afterwards delivered to John Hawes and William Brown, the now Chamberlains of the said town."

One of these silver badges (now in the Leicester Town Museum), is shown in the accompanying woodcut ; for which I am indebted to the kindness of my friend, Llewellyn Jewitt, Esq., F.S.A.



The following charge appears in the account for 1541 :—

"Item, paed to Thomas Goldsmith ffor mendyng of the	} liij    iiij <sup>a</sup> ."
Town Waytes Collars . . . . .	

In the roll for the year 1576-7 the following entry occurs :—

“Item, paid to Dodd the Goldsmith for xv<sup>ten</sup> ounces of  
silver for the weytes Collars, and for mendinge or } v<sup>li.</sup> x<sup>s.</sup>”  
making of them new . . . . . }

—showing that they must then have been in use for some considerable time.

As shown by the entry before quoted in connection with the purchase of the new mace, the town waits had boys under them, who according to an order of Common Hall, in 1583, were also provided with gowns, and “scutchens or cinquefoils” were ordered to be made for them, to be worn with green ribbons or laces about their necks, scarlet and green being the town colours.

To return, however, to the chief subject of our inquiries, the Great Mace.

We have seen that on the foregoing occasion, whilst providing a new Great Mace the old mace was still retained, and in the account for the year 1593 we have an entry of 13s. 4d. “paid to John Woodward, goldsmith, for mending and gilding the *old mace*.” He was also paid sixteen shillings for “making (or rather *renovating*) and gilding two of the *lesser maces*; fifteen shillings for three ounces and a-half of old silver to make the said two maces stronger; and three shillings and sixpence for “flyers” for the said two maces which were wanting.

Again, in the account for 1601 we have the following entry :—

“Item, p<sup>d</sup> to the Goldsmith for mendinge the wayts } xiiij<sup>s.</sup> iiij<sup>d.</sup>”  
Collors, or chaynes, and the *olde Town Mace* . . . }

In the year 1605 the same expense was incurred “for mending and gilding of the Great Mace.”

Reference has previously been made to the comparatively high estimation in which the office of mace-bearer or mayor's sergeant was held, the salary of it having been equal to and subsequently double that of the town clerk. This was from time to time further augmented by the addition of various

fees and other emoluments. Thus at a Common Hall held on the Friday nearest the feast of St. Clement the Pope, 2nd Henry VIII. (November, 1510), it was enacted that from henceforth the mayor's sergeant should have of every prisoner committed to the Hall for a fray 4d., and of every prisoner so committed for any other trespass 1d., in nature of a fee to mend his wages, &c. (Hall Book, p. 104). On the 13th March, 1583, it was ordered and agreed at a Common Hall that the clerk and mace bearer should each have his office by patent, to be prepared and considered by the Recorder.

Again, under date of November 24th, 1587, we find the following recorded :—

“Mayors S<sup>r</sup>giants ffee Aucmented.

“Item, yt ys also ordered and agreed that from henceforth all suche as bee made of the companye of the Eight-and-ffortie shall give to the Mace Bearer ij<sup>s</sup>. a peece; and eu<sup>r</sup>y Townesman sworne to the freedom of the Towne of Leicestr ij<sup>d</sup>. a peece; and everye straunger iiij<sup>d</sup>. a peece; and so likewyse of all such as be admitted to the ffellowshippe of anye [of] the Occupacons of the said Town of Leicestr.”

It would appear that it was anciently the custom for the mace-bearer to reside with the mayor for the time being, not at the Mansion House, for Leicester never possessed one, but at his private residence, for at a much later period an annual sum of £40 was granted to the mace-bearer by Order of Hall, “in lieu of boarding with the Mayor.”

In December, 1599, the office being vacant by the decease of John Underwood, its former occupant, Clement Charde, *gentleman*, was elected, “placed and sworn to be the chief mace-bearer to Mr. Maior.”

On St. Matthew's Day, in the following year, we have—

“Servient.ad } Clement Charde, Johēs. Browne, Willms. Payne,  
Clavam } Petrus Perkine, et Johēs. Clarke,—Jur.”

Six years after the appointment of this Clement Charde as mace-bearer the office again became vacant by his death, and we find the following proceedings consequent thereon recorded



in the hall book, and which are here quoted *in extensis*, as they will suffice to afford all the information which is requisite as to the position and duties of this office :—

“Sayturdaye the xiiijth daie of Decembr (1605) a meeting of the Maior and Aldermen of the Borough of Leic. this present saturdaye att after Noone, aboute the choyce and election of a Macebearer, for, and in steede of Clement Charde, gent. (the late Macebearer) whom it hath pleased God to take to his mercie this daye in the ffoure Noone.” (Here follow the names of those present.) “By all theise and with full and free voyces was Richard Beswicke of the Borowe of Leic. gent., chosen to bee the Macebearer to the Maior of this Borowe of Leic. and his successors for and during his naturall life, and upon his good and honeste behavior and dilligent attendance in and uppon his Office, and true dealing therein.”

“There is firste to [be] mynistered to him the othe of supremacie, and afterwards this othe, viz. :

“Yowe shall not use nor exercise the Office of Chief S<sup>r</sup>giant att Mace or Mace bearer of this Borough of Leic. (to the which Office you are now chosen) corruptlie during the tyme thereof; but the same office shall trulie, honestlie, and faithfullie execute and do in all things thereunto appertaininge and accordinge to yo<sup>r</sup> best skill and knowledge duringe the time thereof. Also you shall true and faithful officer bee to the Maior of this saide Borough of Leic<sup>r</sup>. and to his successors Maiors of the said Boroughe of Leic<sup>r</sup>. for the time beinge, duringe the tyme thereof. The councell and secretts of this Borough of Leicestr you shall not utter or disclose to the hurte or preiudice thereof. You shalbee dilligent and readie of attendance at the Maior commaundem<sup>t</sup> belonginge to yo<sup>r</sup> said Office.

“So helpe you God.

“Die et Anno supradict.

“M<sup>d</sup> that Henrie Palmer, of the said Borough of Leic<sup>r</sup>. Notori Publicke, hath given his worde to Mr. Mayor to enter into bonde to the Corporacon of Leic. that the said Mace bearer shall justly and truelye answare and paye to the Chamblyns. of the Borowe of Leic<sup>r</sup>. all suche sommes of money as he, the said Mace bearer, by reason of his Office, shall att anye tyme hereafter collect, receyve and gayther uppe for the use of the said Corporacon.”

A few months later it was “agreed that Mr. Maior his Mace

bearer shall have now p<sup>r</sup>sentlie a gown given him at the Townes charges, and so everie thirde yeare afterwards a Lyveree Gown att the Townes charge."

This was in continuance of an old custom, and the Mace bearer, and also the other sergeants-at-mace, continued to wear a black gown on all public occasions, until the final disestablishment of their offices at the end of 1835.

Turning, however, from the bearer of the "shining bauble," let us resume our notices of the history of the mace itself, and of the other insignia, and in so doing, reference must be made to several royal visits to Leicester, in which the great mace was made to play a prominent part.

James the First making one of his frequent progresses into the midland counties in the year 1612, and Leicester being one of the towns included in the "Gests," great preparations were made by the authorities and the inhabitants of the town for his Majesty's reception, which was fixed to take place on Wednesday, the 19th of August. Among other orders made by the Corporation at a common hall was one that such of the four-and-twenty (*i. e.* the aldermen) as had been mayors should provide themselves to ride in *scarlet gowns*, with horse and foot cloths, to meet and attend the king into Leicester, under a forfeit of £10, and the rest of the four-and-twenty, and the eight-and-forty (*i. e.* the common councillors) were to provide themselves with black gowns, under a penalty of £5.

It is not to be supposed that these distinctive marks of the several ranks or degrees in our municipal parliament were now adopted for the first time; it was far otherwise, as, indeed, like the use of the mace, we have no trace in our records of when the practice first originated.

During Queen Elizabeth's reign, when, on two or three occasions, her Majesty was expected to visit the town, similar orders had been made for her reception, and it is also clearly evinced that in her predecessor's reign the wearing of scarlet robes on state occasions by the mayor for the time being, and those who had served that office, was even then well known to have been *an ancient custom in the town*.

In Queen Mary's reign, from what precise cause we know not, whether from a mere spirit of change or (as seems not improbable) from the expense which the purchase of these scarlet robes entailed upon the wearers, attempts had been made to evade their use, and some unruly members of the municipal body had raised so strong an opposition to them that we find the Lord Chancellor, the celebrated Stephen Gardiner, Bishop of Winchester, and formerly Archdeacon of Leicester,\* on the 8th January, 1555, addressing a letter or injunction on the subject to the mayor and his brethren, which is inscribed in the "Town Book of Acts." In this curious document he writes :—

"After commendacons, I understand by advertysements from your towne that dyverse of you beyng rather desyerous of new-fangleness than contentyd to follow suche auntyent and laudable customes as haue had, tyme out of mynde, their contynuaunce withe you have of late sought meanes to breke and abolyshe suche thereof, whereby your commonwelthe ys most countenanced and set forthe. Wher uppon I thought yt mete to requere so many of you as be thus fondly affected, that levyng of suche vayne fances, ye woll henseforth remayne quyet and contentyd to follow and allowe suche laudable customes and rewles *as haue alwayes ben, tyme out of mynde, usyd amongst you.* Thus fare you well.

"At my house in London, this vijth of January, [1555],

"Your loving frende,

[STEPHEN WINTON.]

That this communication related especially to the attempts to abolish the use of these scarlet robes, is more explicitly shown in the following letter from Sir Robert Rochester, the Comptroller of the Queen's Household, a transcript of which follows that of the Lord Chancellor in the "Town Book of Acts."

"To his lovinge frends the Mayre of the Kyng and Quene's Majesties' town of Leycester and his brethren, gyve this.

"After my hërty comendacons, because your towne ys within

\* He was installed as archdeacon on the 31st March, 1531.



myne office, havinge a wyll, therefore, to do you good, as I have declared vnto this berer my mynde at large ; therefore I thought good to gyve you myne advyce, that ys, that you the Mayre and brethren of that towne sholde use and kepe all your good and laudable customes, such as in tymes past ye haue ben wont to do *bothe in apparell and otherwyse*, in doynge wherof ye shall keepe all things in good staye, to your own comodyties and also gyve occasyon, to reporte your good doyngs from tyme to tyme, as occasyon shall serve to your comfort, and so byd you hartely fare well. From the Court the xix of January [1555].

“ Your lovinge friend,

“ ROBERT ROCHESTER.”

The effect produced here by these letters is to be seen in the record of the Common Hall, held on the following 8th of March, when it was “enacted, established, and agreed” by the Mayor and the two companies of the “four-and-twenty,” and the “eight-and-forty,” perpetually to endure for and in the name of the whole body of the same town, that from henceforth all and every person that shall be elected and chosen to execute the office of the Mayoralty within the said town of Leicester, at every principal feast and other times accustomed, shall wear, for the honour of the King and Queen’s Majesty, and their successors, and for the worship of the same town, scarlet, *as of ancient time it hath been accustomed*, upon payne of every person so chosen to the said office of Mayoralty, refusing the wearing of the said scarlet during his said time of mayoralty, to forfeit and pay to the chamber of the town of Leicester, five pounds,”\* which penalty, by an order made in 1576, was increased to £10.†

And by an order made on the 24th November, 1588, reciting one made ten years earlier (which specifies the various feast days on which it was customary for the mayor and his brethren to wear their scarlet robes), it was agreed that they should, in addition, wear their scarlet gowns on

\* Town Book of Acts, p. 37.

† Hall Book, p. 272.



the Queen's Majesty's day, to the sermon, and also at the Assizes, to meet the judges ; which latter custom continued in use up to the end of 1835.

To return, however, to the great mace, and to the preparations for the coming of James the First.

The royal visitors (Prince Henry accompanied the king) arrived at Leicester on the 18th August, a day earlier than had been named in the "Gests," when the Mayor and the two Companies, arrayed in the costumes before described, met at the Town Hall, and went in procession, two and two, to the foot of St. Sunday's Bridge (now the North Bridge), between which and "Frogmire Bridge"\* they received the king and prince into Leicester. The mayor, on his knee, presented the mace, the symbol of his delegated authority, to the king, who graciously delivered it to him again.

A Latin oration having been delivered by Mr. Wincoll, "the Town's Councillor," in the absence of Sir Augustine Nichols, the Recorder, and the town's present, consisting of two silver and gilt standing cups, with covers, purchased at a cost respectively of £20 15s. 1d., and £13 4s. 1d., having been handed to his Majesty and the prince, we learn that "the Mayor, having mounted his horse, and being still bare-headed, carried the town mace before the king—the Earl of Huntingdon, as Lord Lieutenant of the county, carrying the sword immediately before his Majesty, and the mayor preceding him, accompanied by the king's gentlemen ushers, bearing his Majesty's two great maces." In this manner the king and prince were conducted until the procession arrived at the court gates of Lord's Place, the Earl of Huntingdon's mansion, in the Highcross Street (now High Street), when the Mayor and Corporation took leave.

It should be mentioned that, to do all honour to the royal visitors, in addition to the purchase of the two cups to be presented to them, as was customary on such occasions, the great

\* That part of the town lying between these two bridges is still known as Frog Island."

mace had previously been sent to London to be regilt and burnished, and to have the head engraved and ornamented with the king's arms "of new" upon it, one of the chamberlains having been sent to London in charge of it; he was absent ten days, his bill of expenses for the journey amounting to 38s.

It may be noticed incidentally that James I. paid two subsequent visits to Leicester, the gestic of which are preserved among the Hall papers, but as no detailed particulars connected with the subject now under consideration are recorded, we pass on to the summer of 1634, when the great mace was again regilt in honour of a visit made to the town by Charles I. and his queen.

These royal progresses came to be looked upon as a heavy tax upon the people, entailing as they did a considerable amount of expenditure upon the inhabitants of the various towns included in the gestic, and of which fact the records of this town afford numerous examples. On this occasion, in order to procure the necessary funds "for painting and beautifying the four gates, with the king's arms upon them, as formerly they have been," "*for amending and gilding the town's great mace,*" the payment of the customary numerous fees to the royal attendants (which are enumerated), and other expenses incidental to "their Highnesses' entertainment," it was resolved to raise by taxation the sum of £30 among the company of the four-and-twenty, the like sum from the eight-and-forty, and amongst the commoners and inhabitants £40 at the least, the residue of the charge being paid by the chamberlains out of the town purse.

Among various orders made at several meetings of the Corporation, similar in character to those preceding royal visits, in the last reign, it was agreed that all the members of that body, under a penalty of £10 or £5, according to rank, should attend at the Guildhall at one o'clock on the 9th of August, to accompany the mayor to receive their Majesties at their coming into Leicester. Such of the four-and-twenty as had been mayor were required to appear in their scarlet

gowns and tippets, and the rest of that company "with fair decent gowns and suits;" and the eight-and-forty in "black suits, black gowns, and ruff bands."

As in the first of King James's visits, Charles and his consort were received by the Mayor and Corporation "between the bridges," and escorted to "the King's House," but the details of the ceremony are not recorded.

On this occasion the gifts presented to their Majesties consisted respectively of two silver and gilt bowls, weighing 133 ounces, which were presented to the king, and a basin and ewer of silver and gilt, adorned with the king's arms, and weighing 127 ounces, given to the queen, at a total cost of about £100. This royal progress cost the Corporation in the whole between £300 and £400, probably equal to £1,500 of our money, besides the expense it entailed upon individuals.

The day after their Majestie's arrival, being Sunday the 10th of August, the King attended divine service in St. Martin's Church, and we learn from the churchwardens' accounts of the parish that among numerous preparations made for his state reception, the seats of the Mayor's brethren were removed, the King, doubtless, occupying as his "throne" the seat of dignity usually appropriated to the Mayor (of which we shall have to say more hereafter), the great mace being suspended in its usual place above it, whilst a payment was made "for flowers for the king's cushion."

The subsequent visits of King Charles to Leicester took place after the outbreak of and in connection with the great civil war.

The first of these visits was on the 22nd July, 1641. The King having left Beverley, in Yorkshire, reached Nottingham the day preceding his arrival here, and we learn from the *Iter Carolinum* that this was known as "The Leicester Journey," several events of importance having occurred during his stay here; \* but reference can now only be made to those proceedings

\* These are more fully described in my "Royal Progresses to Leicester" (privately printed), and the whole subject has been most ably and



more immediately relating to the subject of our present inquiries.

The Borough MSS. record that the King entered the town by the North-bridge about six o'clock in the evening, accompanied by the Prince (afterwards Charles the Second), and his Highness the Prince Palsgrave of the Rhine.\*

Between the bridges his Majesty was received with the usual formalities by the Mayor, by Mr. Thomas Coke, one of the Parliamentary representatives of the Borough, most of the Aldermen who had been Mayors in their scarlet gowns and tippets, and the other members of the Corporation in their robes.

A body of constables attended to clear the way for the procession, and the trainbands were also assembled as a guard of honour for the King's person. Here the Mayor, falling upon his knee, humbly presented the mace to the king, which his Majesty graciously accepting, took in his hand, and immediately restored it to the Mayor; whereupon, Mr. Coke, likewise kneeling, made a speech to the King, which we are informed "he earnestly listened unto, and did likewise most graciously accept of." This ceremony being ended, his Majesty caused a horse to be delivered to Mr. Mayor, who being mounted, and the members of the Corporation walking before, two and two, carried the mace before the King through the streets until the procession arrived at the court gate of "Lord's Place," in (the present) High Street, when having alighted, he, still bearing the mace, preceded the King into the

eloquently treated in the "History of Leicester during the great Civil War," by my late friend J. F. Hollings, Esq.

\* It is probable that this was Prince Louis (who was usually thus designated), and who visited Leicester, and was entertained by the Corporation, on the 12th August, 1636. Prince Rupert was here with the royal forces on the 25th August, 1641, three days after the royal standard had been erected at Nottingham, and the Chamberlains' account for that year contains the following entry:—"Item, given to Prince Rupert, at his first coming to towne, one gallon of white wine, one pottle of clarett, one pottle of canarie, and one pound of sugar—ix<sup>s</sup>. vijd."



presence-chamber, where, kissing his Majesty's hand, he departed for the night.

Although the town at the time was a stronghold of Puritanism, Clarendon says that "at Leicester the King was received with great expressions of duty and loyalty, . . . and full acclamations of the people," much of this, however, was probably mere lip-service ;—

" Mouth-honour, breath,  
Which the poor heart would fain deny, but dare not."

Passing over the busy and important doings in which the King was engaged in the interim, on Saturday, "about the then urgent occasions of the time," as described by Clarendon, we find that, as on his previous visit, Charles attended divine service in state at St. Martin's Church, where, as we learn from the churchwardens' account, the floor was covered with fresh rushes, and strewn with flowers and sweet-scented herbs, and a throne for the King was set up in the church by Mr. White, the Countess of Devonshire's\* gentleman.

The manner of the King's passage to church is thus recorded in our MSS. :—

"Upon the Sabbath day, in the morning, his Majesty was pleased to go to St. Martin's Church to prayer and sermon, at which time Mr. Mayor, accompanied with all the rest of the Aldermen and Companies, apparelled as before, attended his Majesty, coming to the Court gate, from whence he was pleased to walk on foot through the streets by the High cross to church ; Mr. Mayor carrying the mace before his Majesty, and the Aldermen and the rest of the Companies walking before, in orderly manner two and two, the youngest first, with constables with them to make way for his Majesty's better passage to the church. Sermon being ended, they attended his Majesty in like manner back again to the Court gate, and so departed.†

The King had appointed to leave Leicester for Yorkshire

\* This lady resided at Leicester Abbey, where Charles took up his quarters after the siege and capture of the town in 1645, and on his departure the royal troops set fire to and destroyed the building.

† Hall Papers.

on the following morning, and the Mayor and Corporation were to have been in attendance at the court on his departure, but the drowsy citizens were too late, so that the King received but scant courtesy on the occasion, neither Mayor nor Aldermen being at their post, but with which, says the record, "being formerly well pleased with the good service done by Mr. Mayor, his Majesty was not then displeased at."

The King and Prince Charles again came to Leicester from Nottingham, on Thursday, the 18th August in the same year, arriving about five o'clock in the evening, being well received with the usual presentation of the mace, and other formalities, and by the doubtless still more welcome presentation to the Prince of a handsome purse containing £50 in gold, which, we are told, "his Highness graciously accepted of;" after which "Mr. Mayor by his Majesty's appointment took horse (both the said Companies walking before)," and, carrying the mace, conducted his Majesty to his lodgings—doubtless the Earl of Huntingdon's mansion, Lord's Place.

The royal visitors quitted the town on the following morning for Coventry (where they found the city gates closed against them, and several of the royal attendants were shot by a discharge of musketry from the walls), and on this occasion, either through fear or loyalty, probably the former, our local authorities were careful not to be again too late in their attendance, for the Hall Papers record "that Mr. Maior attended on his Majestie, carrying the mace before him out of the presence-chamber to the Courtgate, where his Majestie and the prince taking horse, his Majestie gave Mr. Maior his hand to kisse, and so went onward his journey for Stonley Castle."

Thus repulsed in his design of entering Coventry, the king retired for the night to Stoneleigh Abbey, the residence of Sir Thomas Leigh; and two days later, leaving his forces, and with only a few lords and other attendants, his Majesty returned "very melancholy" to Leicester, and took up his quarters at the Abbey, the residence of the Countess of Devonshire. The king's presence having been entirely unexpected, the mayor and corporation were not in attendance to

escort him through the town, where he made no stay, but rode direct to the abbey, where he passed the night, and on the following day, Monday, the 22nd of August, 1642, "presently after dinner," the king again took horse, and with his retinue rode to Nottingham, where *on the same day* he set up his standard \* in the midst of a violent commotion of the elements ; a sad presage of the then coming events.

During the visits of that unhappy monarch to his ancient city of Leicester he had always been received hitherto with at least all outward-tokens of loyalty and respect, but passing over three years, during which the Civil War had been desolating the land, we come to the spring of 1645, and to a royal visit, probably the most fatal in its results to the town and its citizens of any which had taken place since that terrible day when it was sacked by the Norman conqueror, or when, a century later, it was again laid in ruins by the army of Henry the Second.

This memorable event in its annals took place on the 29th May, 1645, the royal army of about 10,000 men, with the king in person, and commanded by the fiery Prince Rupert, appeared before the town in hostile array ; and when after a violent cannonade and repeated assaults on the following day, and after the bravest of the royal forces in their attacks on the citizens had been thrice repulsed with great slaughter, in the "imminent deadly breach"—where women fought like men, and men like heroes—it was captured on the last day of May, after a house-to-house conflict through the streets, and the king, "on horseback in bright armour,"† rode through the town as its conqueror, and took up his residence once more at the abbey.

\* Authorities differ as to the precise day on which this important historical event took place. The 22nd is here given on the authority of Rushworth. Clarendon, in one part of his "History of the Rebellion," names the 25th as the day, but he subsequently incidentally confirms the date given by Rushworth as correct. The point has been carefully considered in my "Royal Progresses to Leicester."

† As given in evidence at the king's trial, by Humphrey Browne, of Whissendine.



This lamentable event in its history is thus recorded in the Hall Book of the period :—

“ Memorandum—upon Saturdaye morninge in Whitson weeke, beinge the last daye of Maye, A<sup>o</sup> 1645, the King's Ma<sup>tie</sup>, with his armye, did enter Leicester, and tooke it by storme, havinge laydè seige before it three dayes before, at w<sup>ch</sup> tyme the towne was much plundered, and *Mr. Maior's Mace, and diuers of the Towne Seales taken away by the unruly souldiers.*”

Only a few days after this brilliant success, this “lightning before his ruin,” Charles passed through Leicester as a fugitive from the fatal field of Naseby !

Now, their ancient mace being taken away, what course did these staunch and zealous Puritans pursue ?—men who in defence of their opinions, and of the liberties of their country against the abuse of the royal prerogative, had not hesitated, at the peril of their lives, to appear in arms against and valiantly to oppose the forces of their king and his Majesty in person ? Did they look upon the mace as being merely a “shining bauble,” to be cast aside and forgotten by them as a thing of no account ? Far from it. The very first record on their minutes of proceedings after the recapture of the town by the Parliamentary army under Sir Thomas Fairfax, and the departure of the royalist garrison, and a fruitless search having been made previously for the old mace,\* is the following :—

“Att a Cōmon Hall holden the 22<sup>th</sup> daye of August, Anno Dni. 1645 ; Anno R. Caroli, 21<sup>o</sup>.

“Att this Hall yt is ordered and agreed that a Newe Mace shalbe bought, about the size of the old Mace, & as neare to the price as conveniently maye be (the old mace beinge taken awaye att the takinge of the Towne by the King's Armye), the charge of the mace to be defrayed out of the Chamber of the Towne. And that two Chamberlaines Staues shalbe provided w<sup>th</sup> Silver and guilte bosses, ingraven w<sup>th</sup> the Towne Armes, accordinge, or, neare the ffashion of the fformer staues, att the discrecōn of the Chamberlins.

\* Item paid, which was given to Mr. William Billars, Jun., by Mr. Maior his appointment for searching for the old Mace, vj<sup>s</sup>.—*Chamberlains' Account*,



“It is allso agreed att the same Hall that a Cōmon Seale ffor the Corporacon, a Seale of Office, & the Maior’s Seale, accordinge to the former Seales, lately vsed for the Towne, and taken awaye allsoe att the takinge of the Towne, shalbe provided att the Townes charge.”

One Robert Bradshaw, painter, was remunerated “for drawing the form of the mace on paper,” and such proofs of the great desire of those Puritan rulers to have the new insignia of the Borough as much like the former ones as possible, affords unmistakable evidence how greatly those had been prized for their long associations with the past history of the good old town. Accordingly a journey was made to London with this drawing of the old mace, and in the Chamberlains’ Account for the year we have the following entries of the expense of providing the new insignia :—

“Item, p <sup>d</sup> for the New Mace, beinge Silver & gilt & weighinge ownnes at the owncce	} xxiiij <sup>li</sup> . vj <sup>s</sup> . vj <sup>d</sup> .
“Item, p <sup>d</sup> for the Iron within the Mace & a box to put ye Mace in .....	} ij <sup>s</sup> .
“Item, p <sup>d</sup> for the tipps for the Chamberlaines staves in silver .....	} xv <sup>s</sup> . vij <sup>d</sup> .
“Item, p <sup>d</sup> for the makeinge, graveinge & gildinge of them .....	} xv <sup>s</sup> .
“Item, p <sup>d</sup> for the twoe staves .....	xij <sup>s</sup> .
“Item, p <sup>d</sup> for two Seales, viz <sup>t</sup> the Cōmon Seale of brasse & the Maiors lesser Seale of Silver ...	} j <sup>li</sup> . vj <sup>s</sup> .
“Item, p <sup>d</sup> for horsehire to London to pvide the said Mace & other things before mentioned	} xvj <sup>s</sup> .
“Item, p <sup>d</sup> for horse meate then at London .....	j <sup>li</sup> . iijs.
“Item, laidd out for other expences that Journey for one monethes charges.....	} v <sup>li</sup> .”

It would appear that at this period several of the paid officers of the Corporation were staunch royalists, and as such holding political opinions opposed to those of the great majority of the members of that body, as is evinced by the following minutes of proceedings “at a meeting of the Mayor and his Brethren, May 22nd, 1646 :”—

“Thomas Weldon, Mace-bearer ffor the said Borough havinge of

late given occasion of offence both to the Governor and Committee for this Garrison, and for the same hath been by them not onely restrained from executing his sayd Office, but also denied his libertie in this Towne by reason whereof there is great detriment for want of one to supplie the sayd place, and the sayd Thomas Weldon having had severall times given him by this Companie to make his peace; w<sup>ch</sup> thinge this daye appearinge not to be ffeazable—Therefore the sayd Companie on full debate of the buissines, doe hereby revoke theire former act of choosinge the s<sup>d</sup> Thomas Weldon to be Mace bearer, and do hereby discharge him of his sayd Office, and doe declare the sayd place hereby voyd.\*

Then they proceeded to elect Mr. William Mawson to the office of mace-bearer, which he was "to enjoy with all the usual and due rights belonging to the same during the good pleasure of this Company and their successors," after which he took the oaths of office.

On the preceding 13th of March, the town clerk, Edward Palmer, as a royalist, had been discharged from his office in a similar manner "for offences to the Government and Committee," but he was afterwards (in 1658) restored, in obedience to a writ of the Lord Protector. Whilst at a meeting of the mayor and his brethren, on the 14th February, 1648, it was unanimously agreed and ordered that William Palmer, for divers misdemeanours and great abuses proved against him, should be dismissed from his place as sergeant-at-mace and attorney in the Court of Record for this Borough; and at the same time Thomas Godeby, cordwayner, was elected one of the "Sergeants of y<sup>e</sup> Mace" and an attorney in the town court during pleasure, and he was sworn in accordingly.

It may be mentioned here, in passing, that although neither the mace nor any other token of respect was displayed at his coming, the unfortunate King Charles the First, when in the charge of the Commissioners of Parliament, slept in Leicester, on the night of the 14th January, 1647, on his way to Holmby

\* Hall Book, p. 590.

House,\* and that Cromwell was in Leicester on several occasions about this period, when he was visited by the mayor and his brethren. The Town Accounts for 1651 record that six gallons of wine and a banquet (or dessert) were "presented to the Lord General Cromwell when he went to Worcester," where, on the 3rd of September, he gained his "crowning victory."

The new mace not proving entirely satisfactory, it was enlarged two years later.† Still even then it was not considered to be sufficiently worthy of the town in the eyes of our Puritan forefathers, and accordingly we find particulars in the accounts for the year 1649-50 of the purchase of a much more costly one, and these entries are especially interesting as serving to connect the Leicester of two centuries ago with the present day. They are as follow :—

"Item, paid to John Turvile, for the new Mace, waighing 87 ounces and 12 dwts., besides screwes, and pins, and staffe, 11s. p. oz., more

\* In noticing the visit of this unhappy monarch to Leicester on the 22nd July, 1641, we ventured to express a doubt of the accuracy of Clarendon's description of the "great expressions of duty and loyalty, and the full acclamations of the people," with which, he states, the king was received here. This supposition as to the real feelings of the townspeople toward the King has, since the completion of this paper, received positive confirmation by the following entry in the catalogue of the late Mr. J. Camden Hotten's Collection of Civil War Tracts, &c., now in course of dispersion by Messrs. Puttick and Simpson:—

"No. 682. Charles I. at Leicester, a petition from the Towne and County of Leicester, unto the King's most excellent Majesty; also another for Removing the Magazine of the County.—*Interesting Leicestershire Tracts*, 4to. *At the sign of the Axe*, 1642."

"*This curious piece, sold at a house with an unpleasantly suggestive title gives a refutation to the statement made by Clarendon, that in Leicester 'he was received with great expressions of duty and loyalty.'*"

† "Item, paid to John Turvile for makeing the Seale and enlarging the Mace . . . . . vj<sup>li</sup>. x<sup>s</sup>."

"Chamberlaines' Account," 1647-8.



than were made of the old Mace, as appears by  
bill .. ... xxxiiij<sup>li</sup>. xvij<sup>s</sup>. vj<sup>d</sup>.

“Item, paid to John Turvile, for carriage of  
the Mace and his charges to London, and paines  
and care taken about the makinge of the Newe  
Mace, by order of the Commissioners ... iij<sup>li</sup>. vj<sup>s</sup>. viij<sup>d</sup>.

This was the identical mace, altered only as to the arms engraved upon it, which continued as the symbol of the mayoralty down to the year 1836, which was then sold by auction, and which, after thirty years' wanderings, was a few years since recovered, and is now restored to its former use.

The first occurrence out of the ordinary routine in which the new mace was made to bear a prominent part, was the hitherto unrecorded event of the chief magistrate of the borough dying during his mayoralty.

This was Mr. Samuel Wanley, who had only been elected to the office two months previously, and the records of the town affording no precedent as to the course to be pursued in such a contingency, the corporation were placed in a state of considerable embarrassment.

The minutes of their proceedings under these circumstances are so highly curious, especially as illustrating the history of the great mace, that they are here given verbatim as they appear in the Hall Book (p. 713):—

“Memorandum—that uppon Wednesday, the 17th day of November, 1658, Mr. Samuel Wanley, Mayor, dyed.

“Thursday, the 18th of November.

“This day divers of the Ancients that had been Mayors mett att the Guild Hall, to advise what was fitt to bee done as to the Eleccion of a new Mayor, and how things should bee carryed on in the meane time, and agreed that Mr. Richard Ludlam, being the senior Justice, should bee in the nature of a Deputy Mayor until the Eleccion of a new one, *and should have the Mace carryed after him, lying upon the Mace-bearer's arme.*

“They also agreed to have an Eleccion of a Mayor on Munday followinge, and Mr. Ludlam cōmanded the Mace bearer to give sumōns to both Companies accordingly for that purpose.



“ Friday, the 19th of November.

“ Both Companies appearinge att the funerall accordinge to invitation, the ffunerall proceeded thus :—

“ The Two Sergeants att Mace, having their Maces covered with blacke Tiffany, went before the Corpses, Mrs. Wanley being led by her Sonne, and attended by the Town Clerk ; and divers Mourners followed the Corps, and after them the Aldermen, Gentry, and the Forty-Eight.

“ The body being interred, Mrs. Wanley, attended as before, returned into the Maiorress her seate, it being hung with mourninge, and the greate Mace was carried into, and laid downe in the Mayor's Seate, it being likewise hung with mourninge ; Mr. Ludlam sitting alone in the next seate to it ; and the Sermon beinge ended, was carried *after* Mr. Ludlam to his house and lodged there, and Mrs. Wanley returned to her house attended as before.

“ Saturday the 20th of November.

“ Mr. Ludlam went to Gainsborow, and continued there that afternoone (hearing complaints), the Mace beinge carryed *after him*, goinge and returninge.

“ The Lord's Day, beinge the 21st day of November.

“ Mr. Ludlam went to the Church, attended by the Mace Bearer, where he sat as on ffriday before, the Mace lying as before. Mrs. Wanley attended by the Town Clerk and Mourners, went to Church and satt in the Mayores[s]' seate, it still continuing covered with blacke.”

On the following day Mr. William Franke was elected “ by ticket ” to be Mayor for the remainder of the term.

After the restoration of Charles the Second it became necessary that the royal arms should replace those of the Commonwealth on the mace as elsewhere, for in the year in which it was purchased numerous charges occur for taking down or painting out the king's arms, and for setting up the “ states' arms ” on the mayor's seat, the four gates of the town, and other places, all of which was now to be reversed.

For this purpose the mace was placed in the hands of a local goldsmith, and, as appears by the account for the year 1659-60, there was —

“Paid to Mr. John Turvile, in full, for alteringe the Great  
Mace, and for the four silver Maces, by order of a Common } xlv<sup>th</sup> ”  
Hall . . . . .

At the same period a deputation consisting of the mayor, three aldermen, and one of the chamberlains went to London to present to his Majesty £300 in gold, in a satin purse, embroidered “Leicester” on both sides, which doubtless the “merry monarch” would (as when in Leicester in his youthful days the corporation presented him with £50) accept “very graciously,” and on this occasion the newly decorated great mace (in company perhaps with the four “lesser maces,” now newly replaced) doubtless made its appearance in the presence chamber of the king. Several royal visitors came to Leicester after the Restoration, among whom were the Duke of York (afterwards James the Second) and his Duchess; the Princess (afterwards Queen) Anne; William the Third; and Christian the Seventh, King of Denmark and Norway; but the manner of reception on such occasions has been already so fully described that they may only be alluded to in passing.

There was, however, one custom, existing from time immemorial, which must not be passed over unnoticed.

Although prior to the Norman Conquest the citizens of Leicester enjoyed the liberty of self-government, and possessed their merchant-guild and other local privileges, by that event they became the vassals of their Norman earls, and had, from time to time, to purchase in hard cash charters from them for many of the privileges which we now enjoy. Thus first the Norman, and after them the Lancastrian Earls of Leicester became each in turn the “liege lord” of the townspeople, and hence originated the custom, which has doubtless existed from the Conquest to the present day, for every mayor of Leicester after his election to attend at the castle to do homage and swear fealty to the earl, either in the presence of the earl himself, or of his representative.

Since the death of our last resident earl, John of Gaunt, and the accession of his son to the throne as Henry the Fourth, the castle of Leicester (although little more of it than the

great Norman hall now remains) is still a royal castle, and is held by a "seneschall," or constable, appointed by patent from the sovereign under the seal of the Duchy of Lancaster, and the mayor still has to attend a Duchy Court opened at the castle, and presided over by the constable, or more usually by the deputy constable. In the Corporation Charter of King James it is expressed that on Monday after Martinmas-day the newly-elected mayor shall attend at the great hall of the castle, and take an oath "before our Seneschall, that he shall perform well and faithfully all and every ancient custom, jurisdiction, privilege, and pre-eminence of the duchy of Lancaster, within the borough of Leicester, being a part or parcel of the ancient duchy of Lancaster, according to the best of his knowledge."\* From ancient times it was customary for the mayor to go in state on these occasions, having the mace carried before him over the shoulder of the mace-bearer until he entered the gateway opening into the castle yard, when the mace had to be lowered, and to be kept "sloped" so long as it remained within the precincts of the royal domain.

This compulsory lowering of the mace had long been a thorn in the side of the municipal rulers, who looked upon it as a humiliation, and it had thus been often the cause of contention between the two sets of officials,—those of the borough endeavouring to evade the requirement, and those of the castle stringently enforcing this ancient act of homage to the feudal lord.

On one occasion this seems to have been enforced beyond its usual if not its strictly legal limit.

The church of St. Mary de Castro, as its name denotes, stands within the precincts of the castle, and it is an ancient custom for the mayor and corporation of the town to attend in state divine service therein on Trinity Sunday, when after the annual sermon collections are made for the poor inmates of the old hospital founded by Henry, Earl (and subsequently Duke) of Lancaster in 1361 (and of which the

\* Throsby's "History of Leicester," p. 163.



mayor is *ex officio* master), on which occasion the church is decorated with flowers, a custom originating in a curious charter or grant of land from John of Gaunt. They also attended there at other times, the chancel belonging to them as the lay impropiators of the great tithes; and it was on one of these occasions that the circumstance referred to occurred, and which will be best described by the following minute in the Hall Book,\* under date of October 8th, 1678:—

“Whereas Henry Dyson, gen., did upon Sunday last, being the sixth day of this instant October, stop Mr. Mayor as he was going to hear divine service at his Parish Church of St. Mary in Leicester, and caused the sergeants and mace-bearer (after an unusual manner), to sloop their maces, and also when they came to y<sup>e</sup> church door, and would not suffer the great mace to be sett up in the case where it usually did hang.† It is ordered at this Hall that if Mr. Dyson shall ever hereafter offer the like affront, Mr. Mayor shall consult with persons learned in the law, in what manner y<sup>e</sup> Town may proceed to vindicate their Ancient Rights and Privileges.”

These disputes reached their culmination in the year 1766 in the mayoralty of Mr. John Fisher, when, on his going to take the oath, the mace not being “sloped” as required, the constable of the castle, or his deputy, refused him admittance. This, says our local historian Throsby, was on the eve of an election, which was conducted with much party heat, and since this happened Mr. Mayor has gone in private to the castle, without ceremony, to comply with the requisition of the charter.

There was one other very curious custom, in which the town maces and the other corporate insignia were, from time immemorial, regularly displayed, and which we must not omit to notice before finally taking leave of this part of the

\* Page 853.

† In the account for 1649—50 is entered a payment to “Thomas Carter for mendyng the place for the new mace at St. Mary’s Church and Town Hall.”

‡ “History of Leicester,” p. 163.



subject. This was the annual mock-hunting of the hare on Easter Monday.

On that day the mayor and "red-gown aldermen," in their scarlet robes, and the "black-gown aldermen" and the rest of the corporation in their black gowns, attended by the mace-bearers, with the great and lesser maces; and by the town waits, with their gold laced scarlet cloaks and their silver chains and badges; and accompanied, as guests, by many of the gentlemen of the county—one or other of whom lent his huntsman and pack of hounds for the occasion; assembled, about noon, on horseback in a field on the Dane Hills, near the town, known as *Black-Annis' Bower Close*, formerly parcel of Leicester Forest. About half an hour previously a dead cat, anointed with aniseed water, having been traileed at the tail of a horse over the grounds, in zigzag directions, the hounds were laid on the scent, and mayor and mace-bearers, aldermen and common councillors, county magnates and commonalty, all went helter-skelter across field and over hedge and ditch, until finally, following the trail of the dead cat through the streets of the town, they arrived at the hospitable doors of the Guildhall, where, by the mayor's invitation, the corporation and their guests ended the day's sport by a jovial feast, accompanied by the strains of the town waits.

Throsby \* surmised that this custom originated out of a claim to the *royalty of the forest*, but that this opinion was erroneous, and that the formal ceremony of hunting in their state robes was probably adopted by the corporation as an assertion of their right of *free warren* in the forest, the *royalty* of which belonged to the ancient earldom and had merged in the Crown, "has, I think, been clearly shown in my Illustrations of the Drama, &c., in Leicester, † where the custom has been treated at length, and traces of which still exist in the annual popular fair or holiday still held on Easter Monday on the Dane Hills and the Fosse-road adjoining, although the

\* "History of Leicester," p. 163.

† Pages 168—174.

hunting has fallen into disuse since about the end of the last century."

In reference to this custom there is a very amusing entry in the town account for 1671, which is as follows:—

"Item, paid to two-and-twenty men, *that brought and carried hares before Mr. Mayor and the Aldermen* by Mr. Mayor's order," as if these were veritable spoils of the chase on Easter Monday; but the payment was disallowed by the auditors, who probably considered that this unusual expenditure was not necessary to support the dignity of his worship on the occasion.

Having now described the various events connected with the history of the successive town maces and other corporate insignia during past ages, so far as our local records enable us to do, we have arrived at the time when by a mistaken zeal the whole of the corporation insignia were scattered to the four winds of heaven, and it only remains to notice the fate which befell them on their dispersion, and the adventures, so to speak, of the great mace during its wanderings from its ancient repository, the Guildhall of Leicester.

A bitter feeling of dissatisfaction having long existed amongst the Whig and Radical parties in the town with the manner in which the Tory corporation—which was a self-elected, exclusive body—conducted their proceedings, the passing of the Municipal Corporations Reform Act in the year 1835 caused what was, to all intents and purposes, a revolution in the town, by taking the power out of the hands of its former possessors, and placing it in those of the opposite party.

It is not our purpose in this place to become either the apologist of those who went out of power, or to "set down aught in malice" against those who came in. Suffice it to say, that, as in all revolutions, a reaction to the opposite extreme set in, and whilst making a "clean sweep" of all connected with the feastings and jollities of former days at the public expense, by disposing by public auction of all such things, the new corporation proceeded also to sell the maces and

other ancient insignia \*—an act which, but for the unwonted state of violent excitement which then existed in the town, it is only justice to believe they would never have perpetrated ; and which was greatly to be deplored—the mace being really no party symbol (although they undoubtedly so regarded it),

\* The newly elected municipal rulers of Leicester were not, however, by any means alone in pursuing this course, as I learned from several literary friends, when in the summer of 1866 a subscription was set on foot to repurchase the great mace, and to aid which movement I prepared for one of the local newspapers a brief sketch of its history. My late correspondent, Richard Sainthill, Esq., formerly “Common Speaker” of Cork (to whom as well as to his fellow-townsmen, the late John Lindsay, Esq., the learned numismatist, I have been indebted for many literary courtesies), wrote as follows :—“ ‘Forms’ carry much weight, and it is to be regretted that in England and Ireland, with the change of the Corporations (much required in both countries), the incoming parties too often considered *change* and *improvement* synonymous—‘Whatever was, was *wrong*.’ The Corporation of Cork had a Mayor and two Sheriffs—a splendid Mansion House for the Mayor—salary £1,200 a year . . . . The three personages had handsome and weighty gold chains for every day’s wear to mark their dignities, and for state occasions the Mayor had a magnificent gold enamelled chain—so like the collar of the Garter that Garter King-at-Arms, in England, would have ‘come down’ on the Corporation ; and this collar is all that remains of the old pomp. The salary is reduced to £300 a year ; the Mansion House is an hospital ; and all the other insignia, maces, chains, sword of state, furniture, china, &c., &c., sold and dispersed to the four winds of heaven by the auctioneer’s hammer.”

Dr. Aquilla Smith, M.R.I.A., stated that “the reformed Corporation of Dublin was inclined to dispose of (or rather destroy) the municipal insignia, but public opinion prevailed, and the Gold Medal presented to the Lord Mayor of Dublin by King William the Third is still worn by the Lord Mayor.

“The Kettle-drums which had been played at the battle of the Boyne were preserved at Drogheda, until the reformed Corporation came into power, since which time all trace of the drums has been lost.”

The late Albert Way, Esq., F.S.A., who had in his possession one of the four maces that had belonged to the Corporation of Chichester, and which were sold about 1835, wrote : “You do not mention for which officials the four lesser maces were designed, and I conclude that they were appropriated to the Chamberlains or carried before them. I usually find four small maces as part of early municipal insignia, and they appear to have



as we have seen that this identical mace was the one purchased at the town's expense by the Puritan corporation in the time of the Commonwealth. The popular tradition, however, was that it was the gift of Queen Elizabeth—a tradition for which there was not a particle of foundation.

Catalogues of the sale are now very rare; the writer, however, is fortunate enough to possess a copy given to him several years ago by the auctioneer, containing the whole of the purchasers' names, and the prices at which the various articles were sold.

The sale commenced at the Guildhall on the 27th January, 1836, and continued for six days subsequently. A large collection of silver plate, some of it ancient and curious, was disposed of—it having been the custom for every mayor, during his year of office to add by gift, to the collection.

Amongst the more curious articles were a very large antique cup and cover,\* presented by Sir Nathan Wright, Recorder of Leicester, in 1680, and afterwards Lord Keeper of the Great Seal; a curious tobacco-box, presented by George Bent, Esq.,

been carried by sergeants, one for the mayor, but I imagine that there was no uniform practice."

[I cannot learn that at Leicester any other official than the mayor had a mace appropriated to him, although I have been told that the handsome mace now in Mr. G. H. Nevinson's possession has by some been designated as the "Recorder's Mace."]

And Sir Henry Dryden, in mentioning that "a silver oar given by Queen Elizabeth to Yarmouth or Lynn was sold," very truly remarked that "in the fanaticism attendant on the Reform Bill (and fanaticism attends all great changes) numbers of old cups, chains, maces, &c., were sold and so mostly destroyed. But *fashion* has been nearly as bad as fanaticism, and desire for 'improvement' has *improved* lots of valuable things into melting-pots."

It appears that in other towns also the new corporations sold the ancient insignia of the mayoralty.

\* This cup—which was purchased at the sale for about 20 guineas by Mr. James Rawson, a leading member of the old corporation, a magistrate, and former mayor of the town—afterwards passed into the hands of Mr. Ellison, as soon after that gentleman acquired the great mace. These two relics were exhibited, and a paper descriptive of them read



the founder of Bent's Hospital, who was mayor in 1681 (which produced the large sum of £11 13s. 4d., being at the rate of £1 7s. 0d. per ounce), and a very large antique punch-bowl, the gift of James Wigley, Esq., of Scraftoft Hall, who represented the borough in Parliament from 1737 to 1765, and whose portrait hangs in the library at the town hall. There were also several fine tankards, two of which were "the gift of C. Chard," Esq., who, as we have seen, was mace-bearer from 1599 to 1605.

The three silver chains and badges of the waits (which, like their musical instruments, were made a manuscript addition to the printed catalogue) were sold to Mr. William Derbyshire, a local silversmith, for £5 14s.; one of which he afterwards presented to the town museum, where it may be seen, and of which an illustration is given on page 305.

The three small silver maces—two being of the time of Charles the Second, and one of George the Third—were sold

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before the Society of Antiquaries, at Somerset House, by the late John Bruce, Esq., who afterwards evinced great interest in the restoration of the mace to the town. The cup is thus described by that late estimable and learned antiquary:—

"The other article exhibited on the table is a very handsome silver cup, long known as 'The Loving Cup of Leicester.' An inscription upon its cover accounts for its name, and another round the rim of the cup tells its history. The former is 'Honour the King. Love the Brotherhood.' The latter is 'The gift of Sr Nathan Wrighte, knight, serjeant at law, late Recorder of this Burrough. Anno Dom. 1699. Engraven in Mr. Samuel Woodland's Maioralty.' Sir Nathan Wright was the well-known Lord Keeper who held the seals intermediately between Lord Somers and Lord Cowper. He was Recorder of Leicester from 1680 to 1689. This cup was sold at the same time as the mace, but not to the same person.

"Whether the Corporation of Leicester was right or wrong in disposing of such articles, I am quite sure that, in this Society, there can be but one feeling towards the gentleman who, at a large expense, has rescued the mace from a custody inadequate to its dignity, and by his interference has placed both these articles beyond the reach of many of those chances which are daily fatal to so many memorials of our forefathers."

to Mr. Taylor, of Warwick, Mr. Houlden, and Mr. Dibbin, for £9, £6 15s., and £6 respectively. Lot 582, described as "Large Sergeant's Mace, the head washed with gold," and weighing 36 ozs. 4 dwts., was bought by Mr. Phillips, of the Fox Inn, for £16. This elegant mace, after passing through various hands in the interim (one of its possessors having been the late indefatigable antiquary, the Rev. John M. Gresley, of Overseal), is now the property of George H. Nevinson, Esq., of this town.

The chief attraction of the sale, however, was centred in the great or Mayor's mace, thus described in the catalogue:— "No. 583. Beautiful large Mace, washed with gold, 95 oz. 2 dws. knob and ferrule 4 oz. 18 dws., together 100 oz." This, after a spirited competition, amidst considerable excitement, and some laughter, was eventually knocked down for £85 to Mrs. Laughton, of the "George the Third" Inn, Wharf Street, an old lady well known for her staunch Tory principles.

After the relic had remained in her possession for a number of years, during which it had attracted many visitors, of all grades of society, from the peer to the peasant, and from learned antiquaries down to unlettered citizens, to view it; and had also led to several attempts on the part of housebreakers to steal the rich prize, the late venerable Rector of Belgrave, the Rev. Richard Stephens, B.D., negotiated its purchase for his friend Richard Ellison, Esq., of Sudbrook Park, near Lincoln, for the sum of £130. Colonel Ellison dying, bequeathed the mace to the Rev. Humphrey Waldo Sibthorpe, Rector of Washingborough, Lincolnshire; and at his decease, in 1865, it passed into the possession of his widow, a sister of the late Colonel Ellison.

About that period the desirability of again distinguishing the mayor by some outward and visible token of his office had gradually been manifesting itself in public opinion, and especially in the minds of some of those who had been mayor, and of other members of the town council, who had personally experienced the embarrassing position in which his worship was sometimes placed by the absence of it. For instance,

when the judges attended at the Guildhall to open the commission at the Assizes, they generally were under the necessity of having to ask the town clerk to point out the mayor from among the other magistrates present to receive them.

On the occasion of the state ceremony of the Queen laying the first stone of the Royal Albert Hall of Arts and Sciences, the mayors of all the municipalities in the kingdom were invited to be present, and a place was set apart for them in the enclosure. The Mayor of Leicester, Thomas William Hodges, Esq. (who served that office most hospitably and most efficiently during the successive years 1865, 1866, and 1867), on presenting himself was refused admission by the doorkeeper, who stated that his instructions were to permit no one to enter who was not in official costume, whilst the other mayors who were properly distinguished by some badge of office had free entrance given them.

In the early part of the year 1866 a movement sprang up in the town to endeavour, if possible, to discover who was the possessor of the old mace, and to recover and restore it to its former municipal uses.

The successful result of these inquiries was in a great degree due to the exertions of Mr. Geo. H. Nevinson, already referred to as the possessor of the "Sergeant's Mace;" who, through the medium of Mrs. Waldo Sibthorpe's friends, the late Rev. R. Stephens, and the late John Bruce, Esq., F.S.A., communicated with that lady on the subject; who, whilst declining to part with the mace *on any terms* for any other purpose, most liberally offered to restore it to the borough on the following conditions:—

1st. The repayment of £85, the sum for which it was sold in the year 1836.

2nd. The giving a receipt for the mace, signed by the Corporate authorities, containing an acknowledgment that the mace was received by the Corporation for use on proper Corporate occasions.

3rd. The carrying out of the arrangement within two months from the 1st of May.



A public meeting of the inhabitants was promptly held at the town hall on the 14th of that month, under the presidency of the mayor, which was attended by many members of the town council and others, of all political parties; when it was resolved, with the most perfect unanimity, to open a public subscription, limited to one guinea, for the re-purchase of the mace, in order to present it to the corporation. The requisite funds were quickly raised, and Mr. G. H. Nevinson and the writer were deputed on behalf of the subscribers to offer the mace to the corporation for acceptance on the conditions prescribed by Mrs. Sibthorpe as to its "being used on all proper Corporate occasions;" which was formally done at a quarterly meeting of the town council on the 26th June following.

A resolution for the acquisition of the mace on the prescribed terms was carried by a large majority, but not without a long discussion and violent opposition on the part of the small minority, consisting chiefly of a section of the most "advanced Liberals."

At a subsequent meeting, on the 28th of August, 1866, the mace having arrived in the interim, it was brought into the council-chamber during the business by the borough surveyor, E. L. Stephens, Esq., and, amidst loud and repeated cheering, once more, after an absence of upwards of thirty years, placed over the mayor, in the niche which had been the place of deposit of it, and of preceding maces, since the days of Queen Elizabeth, in whose reign the mayor's seat was erected in the Guildhall.

It now only remains to record that on the 12th of February, 1867, the town council, in accordance with the recommendation of a committee, voted the sum of £200 for the purchase of a gold and enamelled chain, with a medallion having the town arms emblazoned upon it, for the use of the mayor on all public official occasions; and the first instance in which it was used is thus described in a local newspaper, the mace being at the time suspended over the judge:—

*"The Mayor's Chain.*—At the Assizes on Monday last (July 15th,



1867) the Mayor (T. W. Hodges, Esq.) occupied a seat at the right of Mr. Justice Byles, and wore the handsome gold chain which has recently been purchased by the Corporation. The members of the bar and the court generally appeared to view this emblem of authority with some interest, and at the close of the business the learned judge made a critical examination of the chain. Subsequently the Mayor entered the High Sheriff's carriage, and accompanied Mr. Justice Byles to the Judges' lodgings."

At the same time the town council decided that court dress, with the gold chain, should be deemed the official costume of the mayor on all state occasions.

Having now traced the history of the various insignia of the corporation of Leicester from an early period to the present day—so far, at least, as local archives enable us to do—we would in conclusion express a confident hope that the members of that body having, almost unanimously, concurred in the restoration of the "great mace" to its former place in the council-chamber, it may for centuries hence keep its position over an honourable, enlightened, and earnest body of men, more than ever united in promoting the good government and prosperity of the good old town, which has had an uninterrupted succession of mayors for more than six hundred years, and who for at least one-half that period (and we know not how much longer) have had a mace borne before them as symbolical of the dignity and authority of their honourable office.

## CORPORATE EMBLEMS AND INSIGNIA IN ENGLAND AND WALES.

The following information on this subject is the result of certain inquiries addressed to the mayors of the various corporate cities and boroughs in England and Wales, for the purpose of being laid before the town council of the borough of Leicester in the year 1866, and which, it is thought, may be valuable if placed on record here, as affording particulars not otherwise readily attainable.

TOWN OR CITY.	<i>Qy.</i> —Have you a Mace or other corporation emblem? <i>Answer:</i>	<i>Qy.</i> —Do you as Mayor wear a Chain or other insignia of office? <i>Answer:</i>
Aberystwith...	No	No
Abingdon ...	Elegant Mace	No
Andover ...	Two Maces (Ch. I.), also livery	A black silk Robe, trimmed with purple velvet
Arundel ...	Three Maces (two are ancient)	Scarlet Robes, and fur, &c., &c.
Ashton-under-Lyne	No	No
Banbury ...	Two Maces and Silver bowl, were sold, but likely to become again the property of the corporation	Council just decided upon Robes for the Mayor
Barnstaple ...	Two Maces	A Gown
Basingstoke...	Two Maces	Chain and Robe
Bath ...	Two Silver gilt Maces	Chain and Badge
Beaumaris ...	Two Silver gilt Maces and Silver Oar	A Gold Chain
Beccles ...	Two Maces	No
Bedford ...	A Mace	Robes of office on state occasions
Berwick ...	Two Maces	A Gold Chain and arms
Beverley ...	One Silver gilt Mace and two small Silver Maces	A Gold Chain lately purchased by subscription, the old Silver Chain of office having been sold in 1832
Bewdley ...	A Mace	No

TOWN OR CITY.	<i>Qy.</i> :—Have you a Mace or other corporation emblem? <i>Answer:</i>	<i>Qy.</i> :—Do you as Mayor wear a Chain or other insignia of office? <i>Answer:</i>
Bideford	Maces	A Scarlet Gown
Birmingham	No	A Chain on public occasions
Blackburn	A Mace, two Halberds	Red Robe, trimmed with ermine
Blackford	A Mace	No
Bodmin	Two large Silver gilt Maces and two small Silver Maces (250 years old)	Black Cloth Gown, trimmed with Black Velvet, &c.
Bolton	A Mace	A Chain
Boston	No. (All sold in 1836.)	A Chain
Bradford	None	A Chain
Brecon	Two Maces and a Wand, four Aldermen's Gowns	Robe
Bridgenorth	Two Maces, a Staff, with borough arms and crown, two smaller staves, a white silk banner with borough arms	A Scarlet Robe, trimmed with sable fur
Bridport	Two ancient Maces (not used since 1835)	No
Bridgewater	Three Maces, two Tankards, and very ancient Salt-cellar (Saxon?)	A Robe, &c.
Bristol	A Mace	A Gold Chain and Robes
Brighton	A Mace, bearing date 1671	A Chain and Scarlet Robe, trimmed with fur
Buckingham	No	No
Burnley	Two Maces, two Staves, and Sword	Robe, Chain, and Badge
Bury St. Edmund's	No	Chain and Robe
Calne	Five Maces (old and good)	No
Cambridge	A Mace	A Scarlet Gown
Carmarthen	A Gold Mace and Sword, presented by James II.	Robes
Carlisle	Two Maces and Uniform	Gold Chain and Badge
Cardiff	A Mace and Sword, four small Silver Maces	No
Canterbury	Two Maces and one Banner with town arms	Chain and Robe
Carnarvon	Two Staves	Scarlet Robe and Chain
Chard		No

TOWN OR CITY.	<i>Qy.</i> :—Have you a Mace or other corporation emblem? <i>Answer</i> :	<i>Qy.</i> :—Do you as Mayor wear a Chain or other insignia of office? <i>Answer</i> :
Chesterfield ...	One Mace	No
Chester ...	Sword and Mace	Chain and Scarlet Robes
Chichester ...	A Mace	A Red Gown trimmed with fur
Chipping Norton ...	No (Mace sold in 1836)	No
Clitheroe ...	A Mace and silver-headed staves for Aldermen	Scarlet Cloak
Colchester ...	A Mace, four Batons, &c., &c.	A Chain, weighing 1 lb.
Congleton ...	A Mace	A White Wand
Coventry ...	One large and two small Maces	No
Dartmouth ...	Four Silver Maces	Red Gown trimmed with fur
Daventry ...	Mace	No
Deal ...	A Mace, seal of office	Black Gown
Denbigh ...	Two silver Maces (1676)	No
Derby ...	Mace (Charles II.)	A Chain
Devonport ...	A Mace	A Chain
Devizes ...	Three Maces, two carried before the Mayor and one before the Rector, and a Loving Cup carried by the Town Crier	Robes
Dewsbury ...	No	No
Doncaster ...	One large and two small Maces	A Chain
Dorchester ...	Two Maces, silver-headed Wand	A Cloth Gown
Dover ...	A Mace	No
Droitwich ...	A Mace	No
Dudley ...	A Mace	No
Dunstable ...	A Mace and a large gilt key	A Scarlet Robe
Durham ...	The Mace has been stolen	An Alderman's Gown
Evesham ...	Two Maces and Silver Cup	A Silk Robe
Exeter ...	A Sword and four Maces	Scarlet Gown
Eye ...	A Mace	No
Falmouth ...	A Mace	



TOWN OR CITY.	<i>Qy.</i> :—Have you a Mace or other corporation emblem? <i>Answer :</i>	<i>Qy.</i> :—Do you as Mayor wear a Chain or other insignia of office? <i>Answer :</i>
Faversham ...	Two gilt Maces and some ancient ones	No
Flint ...	Silver Mace and corporation seal	Mayor provides his Gown
Folkestone ...	An ancient Horn, with corporate arms	A Gown, slightly different from the other Councillors
Gateshead ...	Very handsome Gold Collar	Robe of scarlet and black velvet
Gloucester ...	Sword and cap of maintenance	Scarlet Gown, trimmed with sable
Grantham ...	Two Maces	A Chain
Gravesend ...	Fine old Mace	Furred Gown
Grimsby ...	A Mace	A Chain
Guildford ...	Two Maces	Gold Chain and Medal, Scarlet Gown
Halifax ...	A Mace	Chain and Gown
Hanley ...	No	Gold Chain
Hartlepool ...	Two Maces and Cup	No
Harwich ...	A Mace	Official Robe
Hastings ...	Two handsome silver Maces	Gold Badge, presented by the present M.P.
Helston ...	Two silver-gilt Maces	No
Hertford ...	Very ancient silver-gilt Mace and Sword (Andrea Ferrara)	A Scarlet Gown
Hereford ...	Four Maces, two Swords, and Banner	A Scarlet Robe
High Wycombe ...	A very handsome Mace	No
Honiton ...	Mace, &c.	No
Hull ...	Mace and Sword	Gold Chain
Huntingdon ...	A Mace	Purple Robe lined with white silk
Hythe ...	Two Maces	No
Ipswich ...	Two Maces and Loving Cup	Scarlet Robe
Kendal ...	Two Maces, State Sword, and Seal	No (a Robe on any extraordinary occasion)
Kidderminster ...	A Loving Cup	Scarlet Robe, Ring, and Seal
Kingston-on-Thames ...	A Mace	A Robe
Launceston ...	Two Maces	A Gown
Leeds ...	A Mace	A Chain and Robe

TOWN OR CITY.	<i>Qy.</i> :—Have you a Mace or other corporation emblem? <i>Answer :</i>	<i>Qy.</i> :—Do you as Mayor wear a Chain or other insignia of office? <i>Answer :</i>
Leominster ...	Two Maces, used every Sunday	No
Lichfield ...	Two gilt Maces, also Livery	Black Gown, trimmed with velvet
Lincoln ...	A Mace, &c.	A Chain
Liskeard ...	Two very large silver Maces, silver Tankards, Salvers, &c.	
Liverpool ...	Two Maces, one Oar, and a Sword	A Robe and Cocked Hat
Longton ...	No	No
London ...	Sword and Maces, cap of maintenance, &c.	Gold Chain, Collar, Jewels
Louth ...	Corporation Banners, given by the present Mayor	No
Ludlow ...	Three Maces	A Scarlet Robe
Lymington ...	A Mace	No
Lynn ...	Four Maces and Sword, livery for bearers	Silk and Velvet Gown
Macclesfield ...	A Mace	No
Maidstone ...	Two Maces	Chain and Badge
Maidenhead ...	A Mace	No
Maldon ...	A very handsome Mace	A Chain
Malvern Wells ...	A handsome silver Mace	No
Manchester ...	No	Chain and Badge
Margate ...	A silver Mace, presented by Sir George Bowyer, M.P.	A Scarlet Robe, trimmed with sable
Middlesborough ...	No	No
Monmouth ...	Two Maces	No
Morpeth ...	A Mace (200 years old)	Gold Chain and Badge
Neath ...	Two silver gilt Maces (1703)	No
Newark ...	Two Maces, the bearers wear Robes and Chains	Chain, Black Cloth Robe, trimmed with velvet, and Staff
Newcastle-under-Lyne ...	Two Maces and White Wand	Gold Chain
Newport, Monmouth ...	One Mace	No

TOWN OR CITY.	<i>Qy.</i> :—Have you a Mace or other emblem? <i>Answer:</i>	<i>Qy.</i> :—Do you as Mayor wear a Chain or other insignia of office? <i>Answer:</i>
Newport, Is. of Wight	Two Maces and Seals	Scarlet Gown, Gold Chain and Badge
Newbury ...	Mace	Gown, trimmed with sable
Newcastle-on-Tyne...	Sword, Mace, and Uniform	Chain, Medallion, and Scarlet Gown
Norwich ...	Three Maces and two silver-headed Staves	Chain and Corporation Plate (Queen Elizabeth)
Northampton ...	Two Maces, Livery and Staves	Chain and Robe
Nottingham ...	Mace and two Sheriffs' Staves	Chain and Robes
Oldham ...	No	No
Oswestry ...	Two Maces	Furred Scarlet Cloak
Oxford ...	Mace (similar to that in the House of Commons, presented by Charles II.)	No
Penzance ...	Two Maces	At present in consideration
Penryn ...	Two silver gilt Maces	Elegant Silk Robe
Pembroke ...	Two Maces (1632) and Seal	No
Plymouth ...	Three Maces	Cloak and Chain
Poole ...	Two large Maces, one silver Oar, and three Seals of office	Gown
Pontefract ...	Mace	Chain
Portsmouth ...	Silver gilt Mace (Charles II.)	Gold Chain and Insignia
Preston ...	Three Maces and Robes for bearers	Robe and Staff of Office
Pwllheli ...	Mace	No
Reading ...	Mace and Seal	Furred Gown, also Chain
Reigate ...	Have no funds, but would gladly have insignia if presented	No
Retford ...	Large and small Mace	Robes and Chain
Ripon ...	Mace, Belt, and very ancient Horn (said to be Saxon), worn by Sergeant at Mace	White Wand
Richmond (Yorkshire)	Two Maces, two Halberds, Flag and Uniform,	No
Rochdale ...	No	No
Rochester ...	Two Maces and Oar of Silver	No

TOWN OR CITY.	Qy. :—Have you a Mace or other corporation emblem? <i>Answer :</i>	Qy. :—Do you as Mayor wear a Chain or other insignia of office? <i>Answer :</i>
Romsey ...	Two Maces	A Chain, with Coat of Arms
Rye ...	Two ancient Gold Maces, valued at £500	A Robe
Saffron Walden ...	Three Maces	Robe
Salisbury ...	Three Maces	Gold Chain and Locket, Red Robe and Beaver Hat
Salford ...	No	Badge and Chain, bought about six years ago, cost £300
Sandwich ...	Several Maces	Gown
Scarborough ...	Mace	Chain
Shaftesbury ...	Two Maces (very ancient)	No
Sheffield ...	No	Chain and Badge
Shrewsbury ...	Several Maces	Very splendid Collar
South Molton ...	Three Maces	Gown and Chain
Southampton ...	Maces and a silver Oar	Chain
South Shields ...	Seal	Gold Chain, presented some years ago by the Ladies, and a Scarlet Robe
Southwold ...	Two silver Maces	No
Stamford ...	One very large Mace and one smaller	Chain and Gown
Stafford ...	Mace	White Wand, with silver top (an acorn)
Stalybridge ...	No	No
Stockton ...	Mace and Wand	Silk Gowns for Mayor and Aldermen
Stockport ...	Seal	Chain
St. Alban's ...	Silver gilt Mace	Scarlet Gown
St. Ives ...	Mace, Livery, gold Goblet, and silver Seal (200 years old)	Cloak of Office
Stratford-on-Avon ...	Two Maces for the hand and two for the shoulder	Blue Decorated Robe
Sudbury ...	Mace	Gown (but neither are used)
Sunderland ...	No	Chain
Swansea ...	Four Maces	Scarlet Cloak



TOWN OR CITY.	<i>Qy.</i> :—Have you a Mace, or other corporation emblem? <i>Answer:</i>	<i>Qy.</i> :—Do you as Mayor wear a Chain or other insignia of office? <i>Answer:</i>
Talbach .. ..	The old Mace retained by one of the old corporation. A new Mace will be procured	No
Tamworth .. ..	Two Maces	Robes same as Aldermen
Tenby .. ..	Two silver Maces (early 17th century work)	No (a scarlet gown was used by my predecessor, was in use twenty years ago)
Tenterden .. ..	Two Maces	No
Tewkesbury .. ..	Two Maces, Livery, and Cocked Hats	No
Thetford .. ..	Mace, Sword, Cup, &c.	No
Tiverton .. ..	Two Maces and Beadle's Staff with Borough Seal [on it	No
Torrington .. ..	Two Maces, Cocked Hats and Gowns for Town Sergeants and Bailiffs	Gown
Totness .. ..	Two Maces and Loving Cup	Red Gown, trimmed with black velvet
Truro .. ..	Two silver Maces	Scarlet Robe, blue velvet facings
Tynemouth .. ..	No	Black Gown
Wakefield .. ..	No	Chain and Badge
Walsall .. ..	Two Maces (Charles II.)	Robe and Chain
Wallingford .. ..	Mace	Gown
Warwick .. ..	Mace	Chain
Warrington .. ..	No	No
Wells .. ..	Two silver gilt Maces (Charles II.)	Robe
Welshpool .. ..	Two Maces	Chain
Wenlock .. ..	Ancient Mace	No
Weymouth .. ..	Two Maces	Scarlet Cloak, lined with fur
Wigan .. ..	Mace, Sword, and Halberds	Gold Chain
Windsor .. ..	A Mace	No
Wisbeach .. ..	No	Gold Chain, presented by Geo. III.
Winchester .. ..	Four Maces	No
Wolverhampton .. ..	Mace (very handsome)	The Mayor and Council wear Robes
Worcester .. ..	Four Maces and Sword	Robe and Chain

TOWN OR CITY.	<i>Qy.</i> :—Have you a Mace or other corporation emblem? <i>Answer</i> :	<i>Qy.</i> :—Do you as Mayor, wear a Chain or other insignia of office? <i>Answer</i> :
Wrexham	...	Robes
Yarmouth	...	Chain
Yeovil	...	No
York ...	...	Mayor and Mayoress's Chains and Gown

It will be observed that in almost every instance where "No" appears in the returns the places are of recent incorporation. It may be mentioned that in several towns the heads of the Maces are described as unscrewing and forming "Loving Cups," which are used at Corporation banquets.

A paper on "The Corporate Maces, &c., of Cheshire, and the adjoining district," by my friend Thos. Hughes, Esq., F.S.A., and a subsequent one "On the Congleton Borough Mace," contain much curious and interesting information. It appears that in the year 1854 Mr. Joseph Mayer, F.S.A., on searching the strong-room of the town hall at Liverpool, found stowed away there and utterly forgotten three venerable maces—the two small ones of copper, and a large one of silver, richly gilt, "the Gyft of Charles Derby," ancestor collaterally of the present Earl of Derby, and Mayor of Liverpool in 1666. It also appears that the state sword of the corporation of Chester was presented by Richard II., and that the mace bears this inscription, "A guifte to the Citye of Chester, by Charles, Earl of Derbye, Lord of Man and the Isles, Maior, 1668." The Borough of Holt (which does not appear in the above list) possesses two maces: the great mace is a handsome specimen, and the small mace or sceptre, which is only twenty inches long, is inscribed "D. Speede, Maior,"—"probably," says Mr. Hughes, "a blood relation to the great historian of that name, who was born only a few hundred yards away, on the Cheshire side of the river."

## ADVENTURES OF A BOHEMIAN NOBLEMAN IN PALESTINE AND EGYPT IN THE DAYS OF QUEEN ELIZABETH.

BY THE REV. A. H. WRATISLAW,

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A BOHEMIAN nobleman, CHRISTOPHER HARANT, of POLZITZ, is one of those travellers to whom we are indebted for our knowledge of the state of Palestine, Egypt, and other Eastern countries whilst the Turkish power was still the dread scourge of Christendom. In those days pilgrimages were not made at ease by the aid of railways and steamboats, but in disguise and at the risk of life. Harant himself was originally a Catholic, but eventually joined the Utraquist communion, and was beheaded along with Bohemia's best and noblest, Ferdinand II., on June 21, 1621. Bohemia's liberties were then destroyed, her language and literature proscribed, her population reduced by exile and war from four millions to eight hundred thousand, and Jesuit supremacy culminated in the canonization of St. John Nepomucen, the pseudo-protomartyr of the confessional, and the basis of an extraordinary blunder of the most untrustworthy of chroniclers, Hayik, crystallized in a fiction written by the Jesuit Balbinus, and finally accepted as genuine history by the Roman Curia.

Harant's work, which he printed and published himself in 1608, is of considerable length, the new edition reprinted in 1854 and 1855 by the MATICE CZESKA in the original Bohemian occupying two closely printed octavo volumes of 294 and 296 pages respectively. But not more than half of this, if so much, is real personal narrative, Harant having been a person of learning, and very fond of displaying that



learning, and having apparently intended to make his book of travels a complete manual of the history, geography, and statistics, not only of the countries which he visited, but also of the neighbouring regions. Thus a complete translation of his work would be simply intolerable, whilst a very agreeable and interesting volume would result if the translator were to confine himself to the personal narrative, and carefully prune away all erudition and extraneous matter. The whole was translated into German by his youngest brother, then an exile in Saxony, in 1638, but was not printed till 1678, at Nuremberg, when it was dedicated by the son of the translator to the Emperor Leopold I., under the title of "*Der Christliche Ulysses*."\*

On the 2nd of April, 1598, CHRISTOPHER HARANT started on his adventurous journey, with a noble knight, the "*fidus Achates*" of his travels, HERMANN CZERNIN of CHUDENITZ, and one servant. Passing through the Tyrol on their way to Venice, Harant records a pretty anecdote of a wonderful escape of the Emperor Maximilian I. while chamois-hunting in his youth; and on his arrival at Venice picked up a singular story of an attempt to rob the treasurer of St. Mark, which only failed through the treachery of a supposed accomplice. As the Emperor and Sultan were at war, it was necessary for our travellers to appear as Venetians or Frenchmen, or their lives would have been instantly forfeited. They paid a visit to Padua, and returned to Venice on June 28, and immediately proceeded to equip themselves for their voyage and journey. Harant describes their equipment as follows:—

"Next day we caused pilgrims' clothes of plain grey cloth to be made for us, especially a long coat like the dress of the brethren of the order of St. Francis, except the cowl behind; then a rope girdle, and clothes under the cloth coat of plain

\* Owing to an ambiguity in a note in the translation, Harant is generally quoted by commentators on the Epistle to the Galatians as the authority for Hagar being an Arabic name for Sinai. He is, however, merely quoting the professed geographer, Weissenburgius, who guards his statement by "*ut nonnullis videtur*."



linen, unbleached and very thick, as simple as possible, that the Turks might not get any idea of who we were, and that we possessed anything in our own country. We likewise caused a separate chest to be made for each of us in which to put our provisions and necessities under lock and key, and that we might lie upon the top of it instead of a bed. We purchased a stock of good wine in a small cask, called a 'barillo,' of almonds, figs, raisins, Parmesan cheese, smoked tongues, &c., of twice-baked bread, by name *biscot*, so hard that our comrade from the realm of France, biting it dry and unsopped, broke off two of his teeth to the root."

Five other pilgrims joined them at Venice, one an Italian knight, Signor Antonio Donato, and the four others of the citizen class, one a Frenchman, another a Netherlander, the third from Strasburg, and the fourth from Eger. They agreed with the "patron" of a ship to convey them to Cyprus for thirty gold crowns each, under various conditions, which Harant does not enumerate for the sake of brevity. Apropos of the statement that there are no venomous reptiles in Candia, where they touched and landed on the voyage, he says:—

"I saw one tolerably large snake crawling by a fountain two miles from the city of Candia, and asked a Greek hermit, who knew Italian, whether there were snakes in the island, because some people said there were none found there. He pointed to his beard, and replied that there were more there than hairs on his beard, but that none of them were harmful or venomous. Some people of the island told me that, instead of venomous creatures, the women of the island are so venomous when they get angry, that if they scratch or bite any one of the male sex, he must eventually die from the poison, unless he takes an antidote against it at once."

On August 14 they left Candia, and arrived at Arnicaïn, Cyprus, on the 19th. Here they had a good deal of trouble with Lampert, the Netherlander, who pretended to have had his money stolen, but was really contemplating the performance of his pilgrimage at the expense of his fellow-

travellers. On the 22nd they made arrangements through an interpreter with a Syrian to take them in his ship to Joppa at 35 piastres apiece. His ship turned out to be a small and wretched affair, manned by only three Syrians, with whom they could not exchange a word, and laden with cotton seed. On the 24th,—

“We pilgrims, being seven in number, prepared to proceed, and first caused necessaries in the way of clothing and food, particularly about an eimer and a half of good Cyprus wine in a cask, to be put on board the ship. Next we left our boxes, mattresses, and whatever was likely to encumber us, in the monastery, and instead thereof purchased a knapsack and travelling bag apiece, in which we put our shirts and other things that would go into a small compass. For ere long our pilgrimage was to be by land from Jaffa (Joppa), and we could not have taken such heavy things with us, being satisfied with obtaining for our own persons camels or asses to ride: nevertheless, so soon as on our way home we should return to Cyprus, they were bound at the monastery to deliver us the things thus left behind.”

On the voyage a storm brought them into great danger, and—

“One of our pilgrims, Signor Antonio Donato, cried out, ‘Tripoli! Tripoli!’ not being able otherwise to advise the mariners to turn close to the land hard by Tripoli, a city in Syria, of renown, and the best in those parts in commercial matters on account of its excellent harbour, which lay opposite to us, and thus save the lives of all of us; but he did not succeed, for they did not understand what he meant, and had they wished to do so, it was impossible to go any whither, save whither the wind carried us, and wait for God’s gracious protection and guidance. And thus having plenty of occupation from fear of the storm, we moreover had no small disquiet from great rats, which we Bohemians call German rats. When for faintness and terror we lay down on the cotton seed and were all but expecting death, these rats ran up and down in the ship and over us, coursing disgustingly

over our faces and clothes, and terrified us, interrupting us in the most fervent prayer. And the greater fear came upon us therefrom, in that we judged this running of theirs an ill omen and premonitory sign of future evil to ourselves. For I have also heard that when a ship is about to founder, the rats have no quiet in it, but run backwards and forwards, squeak, and finally go up the masts into the rigging as high as possible, and congregate there, as if they could thus preserve themselves."

However, the wind gradually lulled, and on August 31 they arrived safely at Jaffa or Joppa, where their luggage was examined by a Turk, who appropriated whatever he pleased, and passed the rest of their property. A young Turk with two negro servants examined the vessel for contraband goods, and drank up three pitchers of their good Cyprus wine. Here they engaged a dragoman, who procured them asses for the journey to Ramah, with wooden saddles without stirrups which they found so extremely uncomfortable, that at Ramah they procured ropes, and each made himself a pair of stirrups to the best of his ability.

On Sept. 3rd they left Ramah upon still more miserable asses than the former ones, and proceeded with an escort of horse and foot soldiers toward Jerusalem, on approaching which they were met by the Jerusalem dragoman, the Vicarius of St. Saviour's monastery, who had come out on purpose to meet them, their own dragoman having gone forward to give notice of their approach.

At Jerusalem they had to pay eleven sequins apiece for themselves, and also to make up the same sum, sorely against their will, for the penniless Lampert. They visited the Holy Sepulchre and holy places, all which Harant describes at length, taking notes on every opportunity, at the risk of being suspected, arrested, and punished as a spy. They subsequently visited the Mount of Olives, Bethany, and other places near Jerusalem, and then (Sept. 8) went to see various places in Jerusalem. Amongst these were the houses of St. Veronica, and the rich man at whose gate Lazarus lay full



of sores, whence Harant sapiently concludes that if the site were correct, the story of Dives and Lazarus could not have been merely a parable.

They then visited the Valley of Jehoshaphat, and made arrangements, paying the "sangiak," 100 ducats (70 for the monks, and 30 for the pilgrims), for an escort and safe conduct to the river Jordan and back again to Jerusalem.

Fifteen monks and four of the pilgrims—the rest staying behind for lack of money to pay their share of the expenses of the journey—started on asses for Jericho and the Jordan. They led their asses through the city, not venturing to mount them till they had passed the gate. At Bethany they waited for their escort, with which and the owners of the asses they made up a goodly caravan of seventy persons. The Turkish horsemen rode first, then came the monks and pilgrims, and the foot soldiers spread themselves around and among them, and "thus in the name of God we moved on in the dead of the night." Jericho is described in the following words:—

"There are now only a few poor huts there, and it is nothing but a village, in which is a square tower of some width without a roof, like an Italian pigeon-house. In the tower our Turkish horsemen found an inn, and told us it was part of the house of the wealthy Zacchæus, chief of the publicans, who climbed on a wild fig tree to be able to see the Lord Christ, and on being espied by the Lord was called to Him, and visited in his house. In the time of St. Jerome they showed the fig tree, but it is not there now."

The scene and scenery at Elisha's well is thus described:—

"Round the principal spring was a number of olive trees, like a meadow thicket with us, which gave us pleasure and coolness; for never since we had been in the land of Judæa had we seen or found a spring of fresh and gushing water. The 'guardian' caused provisions to be taken off an ass, and distributed them amongst us himself, so that we dined here. When we had finished the wine which we had with us, we contented ourselves with the water, for it was very good and pretty fresh. But the rascally Turkish rabble of foot soldiers



caused us great distaste and disgust at the water. For as soon as they got to the spring, they all at once stripped off their shirts, jumped naked into the water, and washed and cooled therein their filthy bodies; and we, for great heat and thirst, were nevertheless obliged to drink it.

“About that time there came to us a number of naked Arabs with their children from Jericho, having nothing on but a kind of aprons round the waist, made of thick thread, and on their heads a piece of cloth wound round, like other Arabs. They were dry-bodied rascals, only skin and bone, scorched black, with large sunken eyes in their heads, projecting lips and gaping teeth, and their skin hung from their faces. These people came to gaze at us, and looked for an opportunity of stealing something; but our Arabs did not allow them to come up to us, for they watched us as cats watch mice. For they are such hungry thieves that they dare, and did dare, to steal up behind us when we were eating bread, and almost when we were holding it in our mouths taking a bite of it—for here good appetite does not allow of much cutting into pieces,—snatch it out of our hands, and run away with it. However, they honourably divided it among themselves, that each might at any rate have a taste of it; and this they think a great deal of, as if we had confectionery with us, and that because this worthless rabble goes idle and never cultivates the fields. And bread is so dear and extraordinary with them, that many a one never tastes it from one year's end to another, eating nothing but garden things, Turkish cabbage, cucumbers, melons, milk of cattle, &c., on which they live.”

From Jericho our travellers proceeded to the Jordan and the Dead Sea, and returned in safety to Jerusalem. They then visited various holy places in Jerusalem and on Mount Sion. On Sept. 12 they made an excursion to Bethlehem. Passing out by the Joppa gate, they had to descend a slope, with the walls of the city on one side and vineyards and gardens on the other.

“Before we had descended the hill, we saw at a distance a Turk, with two servants behind him, all on horseback, making

straight for the city in the opposite direction to ourselves. The Vicarius, knowing the Turkish custom, called out and warned us not to delay conducting ourselves reverentially towards the Turk, and we obliged him. But Signor Antonio Donato, who was some distance behind us and had been somewhat deaf from his birth, did not hear, when the Vicarius called out in Italian '*Descavalacate !*' i. e., 'Dismount !' but imagining that he was calling to him, '*Cavalcate !*' i. e., 'Ride on !' did not dismount from his ass, but spurred it with both feet, endeavouring to hasten after us and catch us up. The Turk seeing this, and taking it for a personal insult, rode aside to the wall of a vineyard, and took stones therefrom, with the intention of meeting Signor Donato in hostile fashion. But Signor Donato understood what he meant, and therefore, I do not say got down, but in terror fell and rolled himself down from his ass on his back, so that he cut a somersault, and his feet appeared in the air. The Turk, seeing this, laughed and went on his way quietly."

They visited Bethlehem and the monastery there, and then returned to Jerusalem. On Sept. 14 they made an excursion to the vale of Siloam ; on the 15th went out to the monastery of the Holy Cross, and returned to St. Saviour's ; and on Sept. 16, Harant Hermann Czernin and Antonio Donato were solemnly dubbed and consecrated Knights of the Holy Sepulchre. On the 17th they gave a great banquet to the monks of St. Saviour's and other invited guests.

The pilgrims now commenced their preparations for travelling further or returning. Antonio Donato's project was to travel by Samaria and Galilee to Damascus, and thence by way of Tripoli home. Harant and Czernin contemplated visiting Egypt and Sinai, and the penniless Netherlander, Lampert, after shamming illness in order to stay where he was for want of means to proceed in any direction, was eventually taken under their protection. Relics and remembrances of the holy places and Holy Land were purchased to a great extent. Before concluding the volume Harant gives an account of the various sects represented at Jerusalem,

describing in the following words the manner in which the Turks kept peace and order among them :—

“ Although they are of various adverse denominations, still they are obliged to observe peace without quarrelling, without calling each other heretics, and without other disorders of any sort or kind ; otherwise the Turks reconcile them at once by imprisonment, the *bastinado*, *i. e.*, beating with sticks, and pecuniary penalties, as it happened years ago with our neighbours, the Hungarians ; for when the Christians there quarrelled about images in the churches, the Pacha of Temesvar quieted them by removing the images out of the church and taking it from them, and instead thereof gave them a wretched place and an unroofed yard, over the doors of which he caused a sabre to be suspended, that they might be punished therewith if they were not peaceable.

“ In other respects people have, generally speaking, no hindrance in religion, and can profess it everywhere openly, although councils have often been held by some of the Pachas as to how they could and ought to drive all Christians out of the Turkish dominions, or compel them to join their own religion. Until, in the time of Soliman, a little before the taking of Zigeth, the *Muftis* and *Eadileshers* (of whom I shall give an account in the second book) were brought before him by the Pachas, and urged their Emperor to force the Christians and Jews to become Mussulmans. But instead of much answering he went with them to a window which looked into a garden, and thence showing them the various coloured flowers, said, ‘ As the variety of flowers not only does not spoil the garden, but refreshes and cheers the eyes and mind, so variety of religion and creed does not—I do not say injure my lands, but in many cases is of utility, if only they observe peace and are obedient to my orders.’ ”

The volume is concluded by reflections on the unity and fixedness of the faith, which, like Mount Sion, remains one and the same for ever.

“ As the hills and mountains encircle the great city of



Jerusalem, so does the Lord by His might defend His people, according to the statement of St. Paul in the eighth chapter of the Epistle to the Romans, ‘If God be with us, who shall be against us?’ And who would not joy and rejoice over such promises and engagements? May it please the Lord God to grant each of us increase in the true faith and its fruits.”

Harant’s second volume commences by describing the journey of the pilgrims (six in number) with a Dominican monk from Jerusalem to Ramah (Sept. 19), and thence to Gaza, where they found a Turkish ship ready to sail to Damietta. On account of the grasping conduct of the “patron” of the ship, they committed the management of their affairs to the Dominican, who cheated them rarely, and was suspected of keeping half the money they entrusted him with, for himself, but was so cunning a fox that they were obliged to continue their journey with him, though they could not put the slightest confidence in him. On Sept. 23 they set sail in their *Caramusala*, an undecked ship of considerable size, manned by twelve sailors, who were as pretty a set of ragamuffins as the Arabs in the neighbourhood of Jericho,—that is to say, “they were naked, and as white as gipsies.” There were also a number of Turks and Arabs with their wives and children on board, many of whom were troubled with sea-sickness, and the seven pilgrims were assigned a space barely sufficient for three. On the first day they ate up almost all their provisions, expecting to arrive at Damietta on the morrow. But their voyage continued for five days, during which they were sometimes sailing, sometimes lying at anchor, and always in the greatest discomfort.

“On Sept. 28, at dawn, the sailors hauled up the anchors and spread out all the sails, and on we sailed with a favourable wind. About breakfast-time we espied the towers of Damietta. Therefore the Turks and the rest of the rabble bent their heads to the ground after their custom, and said their prayers, and we pilgrims also thanked the Lord God for our happy



deliverance from the miseries in which we had been plunged up to the ears. For in truth I experienced more discomfort during these few days among these pagans than in the whole of my preceding and subsequent travels. We had very little room, and could not lie down, but barely slept sitting. . . . And as on the first day we had eaten up all our provisions, and merely exhibited them to the rabble on board, vengeance was pretty sharply taken upon us by them. I say nothing about our having no other food but biscuit, but for two days we had not even a draught of water, and were obliged to beg every drop from the Turks. Sometimes they gave us stinking water, which they would not drink themselves, and sometimes refused to give us even that. We therefore looked on them back again with longing eyes, and blessed our purveyor pretty handsomely for making such provision for us. The biscuits sometimes helped us to better comfort, when we exchanged them for a few onions, or something else, which we ate as special dainties, and drank a little water, while we held our noses on account of the stench, all of us in the time of need having an excellent digestion. Besides, the knavish sailors treated us unmercifully, and in the night-time especially took the opportunity of throwing something upon us unawares, stamped upon us with their feet, and shoved us about like dogs. One night one of them climbed up into the rigging and purposely let down upon us a large pulley, such as they use with us for buildings and other uses, several pounds in weight, so that it fell amongst us and grazed my shoulder, but by the divine ordinance struck no one dangerously; wherefore I shrieked out and was more terrified at this danger, from which the Lord God delivered me. For certain it is, that whomsoever it had struck must have been killed on the spot, or have lost a limb. But as the proverb says, 'if harm thou hast to bear, for slaughter do not care;' so was it with these thieves. They only laughed at us, and insulted us by jeeringly calling out, 'Christians' at us, so that though we were in fear, and in their power, we let them know pretty well that we should know how to requite them if there were more of us.

“When it was about mid-day we arrived at the port, and immediately a sailor scoundrel went about in the ship with a red hat and took a present from each in succession. But we would rather have given the rascals a clout on the head apiece instead of thanks, or have commended them to all the devils. Nevertheless one lad implored me to take a letter from him to his brother, who was in captivity in the island of Malta, and in case I did not go there myself, to send it by some one,—which I did to satisfy the rascal.”

They had a good deal of trouble in getting a boat to take them to the town of Damietta, but at length succeeded in getting there safely. On arriving they did not venture to land till they had sent to inform the Vice-Consul of the King of France of their arrival. He ere long came to them, gave them a kindly welcome, and took them through the city to his own abode.

“But first we went through a kind of ancient house, where there were a number of Turks, before whom we were obliged to place our luggage on the ground and give it them to open and inspect. However, they took nothing from us, but let us pass. Only one of them, who was handsomely dressed and seemed to be an officer, when they took out of the knapsack of one of the pilgrims the crosses and rosaries brought from Jerusalem, became, as it were, beside himself thereat, flew into a rage, and blasphemed in his own language, till at last he spat upon them in our presence; neither durst we say anything to him or resist him. But we marvelled at this misconduct on his part, inasmuch as this man, contrary to the custom of other Turks, set no value on these things. For I have seen other Turks who are fond of such things, and gladly accept them from pilgrims, to wear them themselves on the neck or on the hands and say their paternosters upon them, that is to say, they repeat the *Sabana hala* on each bead, *i. e.*, ‘God turn towards me a sinner!’ and say this prayer 100 times, according to the paternosters on the rosary.”

The Vice-Consul gave them some good Cyprus wine, of which Lampert, the Netherlander, took rather too much, and

began to sing so uproariously that the monk could not get to sleep. Hence arose a grand quarrel, which was interrupted by the Vice-Consul, but not before the monk had managed to pull out a handful of hair from the unfortunate Lampert's head, and carry it off in his pocket as a trophy. After this, Harant and Czernin arranged with the Vice-Consul to send Lampert to Cyprus, whence they supposed he might manage to get to Venice and home.

On the 1st of October our travellers started from Damietta for Cairo. They went in a boat to a village asserted to be Bulako, but which they did not believe to be any such thing, as it was too far from Cairo. Here they were obliged to quit the boat and proceed on donkeys of no great magnitude. The way was intersected by morasses, which the natives crossed on foot, up to the neck in water, and holding their garments over their heads, which Harant and Czernin did not like to do, for fear of damaging by wet the treasures they had brought from Jerusalem. At the first morass they availed themselves of some Arab horses which happened to be near, but at the second they were not so fortunate.

"When," says Harant, "we had ridden a little further on, we came to another morass running from the Nile, which was not a large one, but which we could not cross on foot, except in the Egyptian style just mentioned, nor on our donkeys, because of the mud, and there were no horses in the neighbourhood, as at the first one. We therefore engaged a new means of conveyance, our donkey-drivers, mounting on whose shoulders we were carried, not only through that, but also through other morasses, of which there were several on the road, and we had to pay one, two, or three 'mejdyns' apiece in proportion to their width. The last one gave us some trouble. When we were in the middle, the man who carried Pan\* Czernin stumbled with him, so that he fell pretty deep into the water and defiled his clothes, at which Pan Czernin was excessively angry, and would have liked to give him a *pax tecum* in the mouth. I was also met by two Turks,

\* "Pan" is Bohemian for "Mr."



handsomely dressed and bare-legged to the knees. They stopped my two-legged mule, seized me from behind by the shoulder, and wanted to throw me into the water, intending to extort money from me. I answered them politely that I had nothing to give them, holding tight meanwhile to my bearer's neck, and had a pulling match with them, till, being unable to get anything out of me, they gave me and my bearer as hard a push as they could, intending to shove us head over heels into the morass, but by the divine aid protecting me, my bearer, like a good horse, kept his footing well, and though he staggered a few paces and tottered, still he carried me safely on to dry land, for which I had to give him an additional mejdyn."

On arriving at Cairo they went straight to the Consul's house, who, hearing that they were pilgrims, came out and greeted them in Italian, took them to his own apartments, found them lodgings, and assigned them one of his own servants to be their purveyor and cook. They saw the wonders of the place, and in particular visited the Sultan's garden, where the celebrated balsam grew, by the aid of which the wealthy Turkish and Arab ladies, who did not go out in the heat of the sun, secured themselves good complexions.

"They go frequently to the bath, and after becoming thoroughly warm, anoint themselves with this balsam wherever they wish to have a smooth and beautiful skin, and after anointing themselves stay an hour or an hour and a half in a dry place and in the heat, that it may make its way and penetrate thoroughly into the body. They then go home, but do not moisten or rub themselves with anything for three days. On the third day they go again to the bath and anoint themselves afresh in the manner aforesaid, and again abstain from washing in the bath or at home; but every third day they anoint themselves anew up to the 15th day from the commencement of the process. Afterwards, before anything else, they anoint themselves with oil of bitter almonds, and then wash with water distilled from beans, and thus obtain beautiful, smooth, and truly silken skins."



On October 8 our travellers started with a caravan for the Red Sea, the desert of Arabia, and Mount Sinai, the Consul having previously summoned their negro camel-driver and recommended them to his care, paying him half the money due for the expedition, and retaining the remainder to be paid on their safe return. On the 11th they quitted the caravan, which travelled too slowly for them, passed the fortress of Suez, where a considerable portion of their wine was drunk up by three Turkish soldiers, and proceeded by a less frequented route, which the camel-driver professed to know. However, he lost his way, and Harant describes the feelings of himself and his companions as follows :—

“We were no little terrified at this ignorance of our guide, and great fear came upon us (especially on the hypothesis of our having been led astray) lest we should have to perish there miserably from hunger, as had happened to other pilgrims before us, or lest, being led purposely by the villain among robber Arabs, we should be delivered up into the net of endless captivity, or taken for sale to barbarous nations. And he caused us especially to suspect him when he left us in the night, and went into the mountains to seek some Arab to show us the road. We had no other idea than that he was looking for his accomplices in order to rob us, and when the least noise was heard we were terrified, and commended ourselves to the Lord God, and lamented all the circumstances in which we were, preferring to lose our lives rather than fall into the power and subjection of these brutal nations. Thus, when we ought to have slept, we could not close an eye, until three hours afterwards he returned to us with a single Arab, and both of them lay down and slept quietly beside us. Still we did not trust him, considering that if he had found one, he might easily assemble more and that perhaps this one had come the better to play the spy upon us. But early on the 16th, seeing that they were preparing to travel on and had woke us two hours before day, we began to entertain good hopes, although not without alloy, fearing that in some place they might cunningly overpower us and bar the way against us. In this

fear we travelled on through vast mountains and by the worst of roads till vespers, and then descried through a valley the monastery of the holy virgin, Catherine ; when first we got rid of all terror, thanking the Lord God for His gracious and divine protection and help, in that He had been pleased to conduct us happily to this long-looked-for place without any evil adventure. And not having any further need of this last engaged Arab, and recognising that he had guided us well and been obliging, we gave him a good present and some biscuits to boot, for he was a hunger-stricken fellow, and dismissed him in peace."

In half an hour's time they reached the monastery, where the monks (Calojers, of the order of St. Basil) would not open the doors to them until a multitude of Arabs, that had collected round the travellers, had dispersed, the Arabs having lately attacked the monastery and endeavoured to burn it down. By means of a present to two of the Arab chiefs this desired end was gained, the doors were opened, and the pilgrims received with a hearty welcome, both on account of the distance they had come, and the letters they bore from the Egyptian patriarch.

On October 18 they visited Horeb, Sinai, and Mount St. Catherine, the last of which they found far the most difficult of ascent. Here they visited the garden belonging to the monastery, in which was a spring, the water of which was preserved in a reservoir. Czernin with the interpreter and the Arabs ate up all the dried fish and cheese that they had with them, and Harant was obliged to content himself with dry bread. Wishing, however, for a draught of water to his morsel, he all but fainted from the stench of the fluid, which was infected by the corpses of myriads of locusts that had fallen in and been drowned there. After describing an Arab encampment Harant proceeds:—

"Besides these Arabs living in the rocks they keep others in the monastery, who for their maintenance obey them in all respects, and are, as it were, their serfs. They feed them in this wise: they pour into a large trough a kind of mash of

bean-shells with a few beans to boot, morsels of bread, and anything that remains over after cooking, and does not suit the Greek monks. Round this kind of food they sit on the ground, not like the Turks *i. e.*, like tailors with us in a workshop, cross-legged,—but kneeling on their knees, they place themselves upon them in such a manner that they have their heels stuck out behind and turned upwards, a fashion which all the Arabs observe in sitting. They then proceed to take it by handfuls, till it drips or trickles again through their fingers ; or if they have a piece of bread, they use it instead of a spoon, but never without dirtying and moistening all their fingers. Verily, in the house of a needy man with us the dogs are better off ; yea, greyhounds in great houses have meal and pieces of bread given them in better style than these people ; and if they had the doggish food of our dogs, they would consider it a banquet.”

On October 18 the Arabs brought in their camels, and they started with an Arab on a dromedary, who promised to guide them by a better and safer road back to Cairo. This Arab refused to let Harant hire his dromedary instead of his own foundered camel, and ere long quitted them, saying, that he must fetch some of his things to take with him to Cairo. The pilgrims went on without suspicion, and took up their lodging for the night. Harant proceeds :—

“On the Tuesday after St. Gallus, *i. e.*, October 20, about three hours before day, on awakening from sleep, I heard our negro (who usually spent the night with the camels about seventy paces from us) speaking with somebody, and had no other idea than that it must be the Arab, who was to return to us on his dromedary. However, as the voice and shouting increased, I rose up and saw our negro going in the direction of the voice ; in order, therefore, to learn what it was, I woke up Pan Czernin and our interpreter, that he might inquire what the shouting meant. When the interpreter did so, he received from the negro the answer that we were to keep quiet, because it would not be well with us, for there were robbers at hand. Our negro then answered the shouts,



thinking that the Arab before mentioned was seeking us on his dromedary ; otherwise he would not have made himself known to them, and they would perhaps have missed us. But when he saw that there were several of them, and that they were armed, he went straight to them, and begged them to do us no harm. Meanwhile we espied them by the moonlight, and before we had spoken a few words together as to what we had better do, they also saw us, and immediately eight powerful fellows, armed with Arab lances, bows, and long Turkish knives (something like daggers with us) at the girdle, appeared over against us, among whom was also their '*Capo*' with a long gun, aiming at us with it, and all these came against us at a run with their weapons directed towards us, and on coming up surrounded us. We being unable to escape, and having no weapons with us, gave ourselves up obediently like sheep for the slaughter, and, as I stood in front, with Pan Czernin behind me, I was embraced by four of them, who applied their drawn knives to my windpipe, as if they intended to cut my throat, and held me tight by both arms. As soon, however, as they saw that we had no manner of weapons in our hands, neither were we preparing to defend ourselves, they proceeded to feel and search our clothes on our backs, and examined everything from top to toe in search of money. Seeing no escape, I bethought myself that if I gave them something willingly I should content them, and took out of my pocket a small purse, in which I had a zecchin in gold, and small money in mejdyns, which might amount to a dollar, and gave it them cheerfully ; but they paid as much regard to it as if I had thrown a single bean into a fierce and hungry lion's jaws. And so this had no effect upon them, only they were delighted with their first taste, and thought they had made a hit. Therefore, as if infuriated, they proceeded to strip me of my clothes, one seizing me by one sleeve, another by the other, and lugged at me as unmercifully as if they wanted to spread me out in the form of a cross. After pulling off my upper garment, when they saw that I had nothing on but plain linen clothes, they stripped me of them



in the same way, and forced me to sit down on the ground, and then one pulled me by one shoe, another by the other, without unfastening the thongs, and dragging me over the sand and stones lugged them off, till I had nothing left on me but my shirt. Nor did they stop at that, but, lifting up my shirt, they pulled it over my head, but as it was fastened tightly round my neck, and I held fast with my hands in the sleeves, they could not pull it off me. Meanwhile, however, my neck had to suffer, for they pulled me so hard by it that it cracked aloud, and they hauled me hither and thither by my naked body in such a manner that I felt I should lose my neck and my life. Meanwhile, recollecting to take precautions, that if they pulled off my shirt they should not find the twenty-two zecchins sewed up in a linen band on my left arm, in the struggle itself I drew the band with my right hand down to my fist and held the money enclosed in it. Meanwhile, having pulled off my shirt, they collected my clothes into a heap and examined them. I then threw the band with the ducats aside in the sand, and buried it with my foot, and having marked the place with a stone, went away and stood with nothing on my body, till our negro, seeing me in such a condition, threw over me a kind of white horsehair sheet, and clothed me therewith. Looking round at my companions, I found Pan Czernin and the interpreter in shirts and breeches, and observed that they had not stripped them like myself. I went to them and gazed with them at the thieves, how they put all our things in a heap, and how they had taken and were appropriating our provisions of biscuit and dried fish. And the villains were so hungry that they proceeded to gormandize first, and could not wait till they had carried out their covetous desires in examining our clothes, whereas they are otherwise so covetous of money that they can scarcely restrain themselves, as the proverb says, from flaying a louse to get the skin. Afterwards, having eaten their fill, they proceeded to search, and looked everywhere for money, but found none, save some live ducats, good enough for them, which in these countries are much more serious matters than with us. . .

"Meanwhile Pan Czernin asked me whether I had also lost the money sewed up in the band aforesaid. I answered, All. He was terrified, and went to the interpreter, and told him that they had taken all my money from me. He told the negro, and the negro was grieved and went to the thieves, and begged them very sorrowfully and earnestly to return me the money, if not in full, at any rate some part of it, for I should not be able to get home if I had not wherewith. On hearing this speech they sprang up all together, and ran among us inquiring which of us had any such money. And when I was pointed out, they surrounded me and asked me where I had it. Not knowing what had happened, I simply thought that they had ascertained about my money, till I understood that the mistake had arisen from my own deceptive language; therefore I pointed to my foot, implying that it ought to be unfastened and taken thence. Wherefore they came to me one after the other, and each took me by the foot, inspecting it, as if he could thereby ascertain what had become of the money. Afterwards they looked wherever they noticed that they had dragged me along the ground, till I began to be anxious lest they should thus really find my buried money. But praise be to God, they could find nothing. For this reason they could not satisfy themselves, but as we say in the proverb, 'He does like the cat, who growls as she eats,' so did they growl at and question each other about it, till their 'Capo' collected them into a circle, and questioned one after the other, noisily inquiring whether any of them had the money. But none of them could acknowledge it, so that the 'Capo' had plenty to do, running at one time to me, inquiring in what or how it was stored, at another from me to them. I meanwhile kept up a diligent search, as if I were really anxious about it, and moved as far as possible from the place where it was. Eventually the 'Capo' came to us, and finally bade us tell the truth, whether we had any such money among us, and what had become of it; if any of us had it, we should give it up in good time, otherwise, if that were not done, we were to know that he had administered an oath to

his Arabs, who had not acknowledged it, and therefore we must ourselves be guilty and expect certain death. Understanding that it would be no jest, I had him told, not to take it ill of me, that my companion, from whom the statement had come, had misheard ; that I had not meant any other money than what they had taken from me with the purse, neither had I any other ; and what I had not, I could not acknowledge, much less could I give them. Then the ' Capo ' called to his comrades and told them that he was satisfied with us, and that they were not to suspect each other, and related to them what I had caused him to be told. Then our negro proceeded to implore them to return us our clothes, and distribute some provisions amongst us, informing them that we were poor Christians from the dominions of the Turkish Emperor, to whom we were obliged to make many payments and give many gifts. And they returned us a long coat each, and a single pair of drawers, and my breeches ; everything else, shirts, clothes, and various small matters, likewise the coverlet in which we wrapped ourselves, they appropriated. Yea, as to their giving us the long coats, our poor interpreter licked and kissed their hands and foreheads enough, which they consider a sign of the greatest humility and friendship. Besides, they left us bread and biscuits enough to last us for a day or two only, so that if we had not had a little meal concealed in a bag by the negro, we must have died of hunger. Having now our things tied up, and preparing to take their departure, they ordered us not to return to the monastery at Mount Sinai, not to complain of them at Cairo, and not to say a word of our having been robbed ; or else, wherever they caught us, they would take vengeance upon us. These things we were obliged to promise, and perceived that they were traitors from Mount Sinai, and that the one who had travelled with us the day before was their accomplice, to keep an eye upon us wherever we went, and to lead us into the net, although we did not see him there with them."

They then struggled on, although their negro was unac-



quainted with the route, with the help of a little brandy, which the Arabs had not taken from them, and cakes, which the negro baked in the sand after making a fire of dry grass and roots, which he found among the rocks. These, however, they did not like at all, as they were baked outside only, and consisted of very disagreeable dough internally. Observing this, he looked for a piece of a kind of clay, which he put into the skin with which he watered the camels, along with the rest of the soft dough, mixed it with his hands and made a soup, in which he dipped his bread or cake, and commended it so highly to us "that he even licked his fingers after it." The travellers tried it, and found it much better, owing to the salt contained in the clay, and indeed they had several times been disappointed by finding salt springs or wells, where they had hoped for fresh water. On they struggled, when on a sudden they found their brandy sensibly diminishing, and detected their negro in the act of appropriating a good deal more than his share of it. On October 24 they approached the town of Suez about breakfast-time.

"There rode towards us about seven or eight Turks on horseback from the fort, from which the soldiers had previously issued, who drank up almost all our wine on our way to Sinai. As soon as they saw us they spurred their horses towards us, levelling their long guns straight at us. As soon as our interpreter saw this, wanting to get down speedily from his camel, he tumbled from it and called to us to dismount quickly. We in terror did just as he had done, tumbling down head first, and then got up and stood awaiting them. Seeing our humility, and that we had shown them such reverence, they did us no harm, but riding round us asked us to give them wine. Then, seeing that we had none, they allowed us to mount our camels again and rode beside us, asking about our adventures on the journey, and our interpreter told them all that we had suffered from the Arabs. Thereupon they pitied us, cursed the thieves, rode on, and left us."

Ere long they arrived at Suez, and then on October 26,



their camels being completely out of condition, proceeded on foot with their negro to Cairo. Here they of course visited and inspected all the wonders of the town and neighbourhood, but the flooded state of the country prevented them from obtaining more than a distant view of the pyramids. In Cairo they were greatly amused by some jugglers, who had a learned donkey, that shammed sickness in order to avoid being impressed for Government work ; jumped up fresh and ready when told that there was to be a great procession of ladies on donkeys, and that each donkey was to have a feed of good barley, and a draught of good water from the Nile ; pretended lameness when he found he was to carry an ugly old woman ; nodded assent when asked whether he would be good-humoured if he were to carry a young one, and picked out the young lady from among the bystanders, touching her with his mouth, "whence arose great laughter."

On October 30 the consul informed them that some boats were going down to Damietta (? Rosetta) that very evening, and that he had caused arrangements to be made for them with one of these. They therefore paid their bills, took leave of the consul and their acquaintances, and started with their interpreter for Bulako, only too glad to get off in safety, as they had been told that they were suspected of being spies. They paid their passage and purchased provisions for the voyage, consisting of bread, cheese, baked fowls, &c. There were eleven other boats preparing to start at the same time, on board of which, as well as on board theirs, the principal passengers were Jews and Egyptian soldiers, who were on their way to Hungary to fight against the Christians, "but not in such merry mood as our soldiers go against them."

On November 2 they arrived safely at Rosetta, hired mules the next day and rode to Alexandria, where they arrived quite tired out the same evening. The next morning they called on the vice-consul, who advised them to take their passage in a Venetian ship, three of which were then preparing to depart. Of the three they selected the *Balbiana*, which was the largest,

and was expected to take in its cargo first, and to sail on the 12th.

On the 11th the "Patron" of the ship summoned them, and on their going on board assigned them berths where the sick sailors usually lay, which thoroughly disgusted them. On the 12th the *Balbiana* was towed out of the harbour by a dozen row-boats, and the voyage commenced. On the 20th they made the island of Candia and landed. On the 22nd another Venetian ship, the *Liona*, arrived, on board of which was their former fellow-pilgrim, Antonio Donato. On December 7th a favourable wind induced the "Patron" to set sail again, but on the evening of the 8th a terrible storm overtook them, and drove them out of their course towards the coast of Barbary. On December 12th they sighted the mountains at the south of the Morea, and on the 15th they saw the island of Zante, but the wind would not suffer them to approach it. On the 17th they saw the hills of Corfu, on the 18th they ran along the coast of Albania, and on the 19th they were overtaken by a storm, the noise and terror of which they could only compare to the day of judgment, and were in expectation of being overwhelmed and drowned every instant. On the 20th it became calmer, and on the 21st they saw Dalmatia on the right hand, and were as much affected by cold as they had been by heat in Palestine and Egypt. On the 24th they sighted the mountains of Istria, and arrived before evening in the harbour of Citta Nova, which belonged to the Venetians. On the 25th, Christmas Day, they went to church in the morning, and remained quietly in their inn till the evening.

They were informed that their ship would not sail to Venice for several days, but that a small dispatch-boat would start that very evening, in which the "*scrivan*" or clerk of their ship was going forwards to announce its arrival. They embarked with him, and on the 26th arrived at Venice about noon. They had to wait till night before the authorities were satisfied that their ship had not come from a place infected by the plague, and were in great dread of forty days' quarantine, which they happily escaped, and went to the "White Lion"

with great joy and their knapsacks on their backs, thanking God for their preservation through so many dangers and distresses.

And, indeed, they had been badly enough off on the voyage. They had laid in indeed what they believed to have been a sufficient stock of provisions at Alexandria, but one of their company had advised them not to contract with the "Patron" for their supplies, and had promised to act as cook for them. This man, however, fell ill, so that there was an end of his cookery in a very short time. Besides, they were kept at sea much longer than they had expected, and were obliged to go on very short commons. Harant himself had spent all his money at Alexandria except one "broad dollar," and was ill besides, so that he had been in woeful case indeed. In fact, to use his own expression, if he had forgotten one of his eyes, he would not have been able to go back to fetch it.

He concludes his work with these words :—

"But since the almighty and eternal Lord God was pleased of His great mercy to grant me to accomplish such a journey, and to bring me back to my dear country, therefore to His divine Majesty, as an eternal and immortal God, revealed to us in three Persons, but one in deity, be everlasting praise and honour given for ever and ever. Amen."

Harant alluded touchingly to his travels in his last hour. After giving various directions with respect to his family, he added, according to the report of an eye-witness of his execution, with a sigh,—

"'Ah, my beloved God ! what lands have I traversed ! in what dangers have I been, not seeing bread for how many days ! Once have I been covered over with sand ; and out of all my beloved Lord God brought me by His help ; and now in my dear country must I die guiltless ! O Lord God, pardon my enemies !' Thereupon they summoned him. Therefore we took leave of each other and went on to that woeful scaffold. Christopher Harant, as he went out of the room, said, 'In Thee, my Lord God, I have hoped from my youth ; let me not be confounded for ever !' Then he prayed with the priest

John, till they came to the scaffold, where, looking up to heaven, he cried, 'Into Thy hands, Lord Jesus Christ, I commit my soul !' And taking off his coat, he knelt down, and again, following the word of the priest John, cried aloud, looking up to heaven, 'In thee, O my Lord God, I have hoped from my youth, and therefore into Thy hands, O God, I commend my soul ;' and was thereupon beheaded."



## NOTES IN THE HISTORY OF BRITISH LIFE ASSURANCE.

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THE different sciences, arts, and manufactures possess respectively their own peculiar records. Such records, when derived from legitimate sources, and arranged with chronological accuracy, constitute what is known under the term history. In these notes my aim is to present in a concise form some points of interest in common with one of the most important branches of political economy. Since labour is the only source of wealth, provident action on the part of the masses is the mainstay of national prosperity. Under this view Life Assurance becomes not simply an important element in the welfare of individual families, but a subject of corresponding interest to society. It is impossible to trace with any degree of accuracy the origin of the system. If the division of human life into four equal parts may, with any degree of reliability, be ascribed to Pythagoras, then its rude beginning may be ascribed to the Phœnicians. It is certain that by a law which was in force among the Romans, known as the *Falcidian*, which obliged a testator to leave *one-fourth* of his property to his direct heirs, a table was framed by Ulpian (A.D. 364), which gave rise to the doctrine of annuities. In Mr. Walford's valuable "Insurance Guide," there is to be found information which will interest antiquaries. Ulpian's table of the Expectation of Roman Life is given in page 155 of that work, along with Dr. Price's Stockholm Table of Life Expectation. A comparison of the two, separated as they are by the gulf of ages, is strikingly suggestive to the statistician. Mr. Erith, in his "Stray Thoughts on Life Assurance," remarks that the origin of the system is obscure, and that its interest commences from the date of its progress.

He says further : "When it is remembered that in the development of the science to maturity it has enlisted such names in the consideration of it as Haller, De Mowre, Kerseeboom, Parcieux, Smart, Simpson, Price, Morgan, Maserco, Dodson, Bailey, and others, it occasions little surprise that it should occupy an eminent place in mathematical investigation."

Two centuries ago Life Assurance was a thing comparatively impracticable, for at that time there was little if any real knowledge of statistical science upon which the operations of Assurance Companies mainly depend.

There were weekly accounts written out on large sheets of paper by the Honourable Company of parish clerks, called Bills of Mortality. These contained accounts of all the christenings and burials within the City of London. After a time the demand for such periodical statements became so increased, that it was impossible to write them out fast enough ; and accordingly the company obtained an act, "For the keeping of a printing-press with all of the parish clerks, in order to the printing of the weekly and general bills within the City of London and the liberties thereof." This press was set up on the 18th July, 1625, in the hall of the company, Wood Street, where every Thursday for nearly two centuries the bills of mortality were printed. Many of the citizens who were supplied with these bills no doubt studied them, but the first who is known to have turned them into practical account was Mr. John Graunt, a haberdasher of Birchin Lane.

The result of his reflections was made known in a small volume, published in 1661, entitled "Natural and Political observations made upon the Bills of Mortality by John Graunt, citizen of London." This little work met with extraordinary success. Louis XIV. having had a copy sent to him commanded parish registers to be kept in France, and the Royal Society elected Mr. Graunt one of its members.

Mr. Graunt's statistics cannot now be relied upon. He thus describes his mode of estimating the population of London.

"Repairing to my bills of mortality I found that not above 15,000 people were buried per annum, of which number about 5,000 were abortive and still born, or died of teeth convulsions, rickets, or, as infants and aged. I concluded that of men and women between 10 and 60 there scarce died 1,000 per annum in London, which number multiplied by 10 there must be 10,000 in all."

After a time Mr. Graunt set to work in another direction by taking into account births instead of burials. On this subject he writes:—"I consider that the number of child-bearing women might be about double to the births; forasmuch as such women, one with the other, have scarce more than one child in two years, the number of births I found by those years wherein the registries were well kept to have been somewhat less than the burials. The christenings at these late years were of a medium, and I estimated the number of child-bearing women to be 24,000; then I imagined there might be twice as many families as of such women, for that there might be twice as many women aged between sixteen and seventy-six as between sixteen and forty or between twenty and forty-four, and that there were about eight persons in a family, the man, his wife, three children, and three servants or lodgers. Now eight times 48,000 makes 384,000," which Mr. Graunt estimated to be the population of London in the year 1661. But not satisfied with this computation he sets about verifying his figures in another way, his description of which may prove interesting, in adopting his plan. He says:—"I took the map of London set out in the year 1658 by Richard Newcourt, drawn to a scale of yards. Now I guessed that in 100 yards square there might be above fifty-four families, supposing every house to be twenty feet in the front; for on two sides of the solid square there will be 100 yards of houseing in each, and in the other two sides eighty each, in all 360 yards. This gives fifty-four families in each square, of which there are 220 within the walls. But forasmuch as there die within the walls about 3,200 per annum in the whole of London, 3,000 it follows in the houseing within the walls is one-fourth part of the whole, and consequently that there are



47,520 families in and about London, which agrees well enough with my former computation."

After the publication of Mr. Graunt's statistics his investigations stimulated research in the same direction. Among those who continued the inquiries into the statistics of the country were Sir William Petty, Gregory King, and Corbyn Morris. Their statistics furnished a mass of facts, from which deductions of the most varied kind and of the greatest importance were drawn.

Perhaps the most noted of all the students of the bills of mortality was the Revd. Dr. William Asheton, rector of the old city church of St. Antholin and of Beckenham in Kent. His studies of Mr. Graunt's work, and of the bills of mortality, led him to consider that though, as regarded single individuals life was very uncertain, yet as regarded a number of individuals it was a fixed quantity and reducible to law. He came to the conclusion that while a person, young or old, strong or weak, may die at any moment, yet that ten thousand persons will only die after a given time. Having formed this theory he began to consider whether he could not turn it to practical account. He proposed to take a number of persons and to tie them together in such a manner that they would form a single corporate life ; one individual to render assistance to the other and all to all. He stated his scheme to his friends, but it met only with opposition. Nothing disheartened he kept at his work, and having matured his plans, he laid them before the Corporation of the Clergy. This body, and thereafter the Directors of the Bank of England, refused to provide a "Fund of Security."

After many other ineffectual efforts Dr. Asheton applied to the Mercers' Company, who at once accepted his proposals. The preliminaries being settled that the company should establish a Life Assurance institution, a deed of settlement was prepared, and in October, 1699, enrolled in Chancery.

The following rules were drawn up by Dr. Asheton as the basis of the company :—

"1. That the Company will take its subscriptions at any



time till the sum of £100,000 be subscribed, but will never exceed that sum.

"2. That all married men at the age of thirty years and under may subscribe any sum not exceeding £1,000. That all unmarried not exceeding the age of forty years may subscribe any sum not exceeding £500, and that all married men not exceeding the age of sixty years may subscribe any sum not exceeding £300, and that the widows of all persons subscribing according to these limitations shall receive the benefit of thirty per cent. per annum, free of all taxes and charges, at the two usual feasts of the Annunciation of the blessed Virgin Mary and St. Michael the archangel; and the first of these payments shall be made at the first of the said feast days which shall happen four months or more after the decease of the person or persons so subscribing; excepting such as shall voluntarily make away with themselves, or by any act of theirs occasion their own death either by duelling or committing any crime whereby they shall be sentenced and put to death by justice; in any or either of these cases the widow to receive nothing, but upon the delivering up the company's bond to have the subscription money returned to them.

"3. That no seafaring men may subscribe who follow it as their business or vocation, nor other who go farther than Holland, Ireland, or the coasts of England; and that any person may subscribe for any other whom he shall nominate in his last will during the natural life of his wife, if she survive, and his intention shall be declared in his subscription."

Such liberal terms as these soon brought to the company a great number of subscribers, and all went prosperously for some three or four years, so that in 1703 Dr. Asheton published a book entitled "A full account of the Use, Progress, and Advantages of Dr. Asheton's proposal, as now managed by the Worshipful Company of Merciers, London, for the benefit of widows of clergymen, and also by settled jointures and annuities, at the rate of thirty per cent., with directions for the widow how to receive her annuity."

Dr. Asheton died in 1711, and not many years after his death it was found that there was a growing annual deficit, which increased to such an alarming extent that the annuities were reduced from thirty to eighteen per cent. But even this reduction did not suffice to relieve the company, for in 1745 they found themselves in debt to the extent of £100,000, with greater liabilities in prospect. The company appealed to Parliament. On the 16th of February, 1747, the "Warders and Commonalty of the Mystery of Mercers presented a petition to the House of Commons, which stated that the company had lent to King Charles I. and to the Parliament and City of London in the troublesome times of that reign several sums, amounting to £10,000 and upwards; that they were the devisees under the will of Sir Thomas Gresham, jointly with the City of London of several estates for maintaining the Gresham Lectures and performing several charities; that on the destruction of the Royal Exchange by the fire of London, King Charles II. being desirous that it should be built in a more magnificent manner, they had contributed jointly with the City of London in purchasing ground for its greater commodiousness and the rebuilding thereof; whereby, and by the money so as aforesaid lent, they had expended several sums which had been left them for charitable purposes, and had also incurred a large debt." An account of the Life Assurance scheme was then submitted, and the petitioners proceeded to say that "at Michaelmas 1745, they found themselves indebted to the said charities and to other creditors in £100,000 and upwards; that the annuities they were then liable to pay amounted to £7,620 per annum, and that the subscribers for annuities in expectancy amounted to £10,000 a year more; while to answer their claims their income only amounted to £4,100 per annum." The House of Commons took a favourable view of the case, and an Act was passed giving the Company certain privileges which after a time enabled them to pay in full every person connected with their establishment.

About the year 1720, the Civil List being considerably in arrear, the heads of the Royal Exchange Assurance Company

and the London Assurance Corporation offered Government £600,000 on the condition of their obtaining the King's Charter, with a preliminary sanction for the establishment of their companies. The proposal was embraced, and a bill was passed granting letters of incorporation to each company. The Equitable afterwards struggled to come into existence, but as a fierce opposition was arrayed against it by the London and the Royal Exchange, it had to forego its efforts to procure legislative privileges, and was in 1762 constituted by deed of settlement, enrolled in the King's Bench. With this institution, *Life Assurance* as a well-arranged system took origin.

Since the year 1720, when "the first offices that issued life policies for fixed sums payable at death" obtained their charters, nearly one thousand offices have been opened for the transaction of Life Assurance. But at intervals, especially of late years, the community has been startled by the collapse of several *apparently* "prosperous institutions," resulting in an indescribable amount of misery. These sad reverses may be ascribed to extravagance and mismanagement.

While it is essential that the self-provident should be secured from the almost total loss of the sums paid in premiums, it is not the less desirable that the *profits* accruing should be absolutely invested according to parliamentary authority. While *lapsed policies* often furnish a considerable item in the *net profits* of companies as shown in the different office reports, they act prejudicially on the continuous accumulation of capital; in fact, some of the existing companies could scarcely continue to do *business*, were it not for the provision made for the lapsing of policies. The sum of £481,382 3s. 6d. is the amount set down to the one item, policies lapsed or surrendered by the various companies who deposited their accounts with the Board of Trade for 1872.

The recent alarming breakdown of British Life offices has deterred many thoughtful individuals from availing themselves of the undoubted advantages Life Assurance as a "business scheme" affords, and, in many instances, British assurers have



been driven to American companies, whose legislative supervision is preferred to the precarious state of the British assurance laws. The "Life Assurance Companies Act, 1870," has monopolized the profession, as it demands a deposit of £20,000 previously to the registration of any new Life company. This Act will have to be repealed as inconsistent with that freedom so essential to the vitality and growth of commercial business. But if the Legislature should follow the plan of the American Government in reference to the management of all Life companies, the public would be protected, and nine-tenths more business would be done.



## ON THE POSSIBILITY OF A STRICTLY SCIENTIFIC TREATMENT OF UNIVERSAL HISTORY.

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THOUGH we may justly pride ourselves on possessing the greatest historical writers in Hume, Robertson, Gibbon, Grote, Thirlwall, Buckle, &c., there is scarcely a civilized country in this nineteenth century in which the study of universal history is so utterly neglected as in our own. Fostered by a certain learned caste, afraid that too much light thrown on the past might injure their interests in the present, a general opinion has gained ground that history, if studied from a universal or general point of view, can but produce a creditable kind of ignorance and nothing more. Bolingbroke, in opposition to this, tells us that the study of history seemed to him of all others "the most proper to train us up to private and public virtue." I could quote a number of authorities, both ancient and modern, especially Scottish, German, French, Italian, and American writers, who place the study of history in the van of all studies. The Greek word *ιστορεῖν* means to learn by inquiry, and *ιστορία* is therefore information acquired by inquiry. All our sciences, however, whether abstract or concrete, speculative or technical, are but informations resulting from inquiry. The great question which presents itself in taking the historical development of humanity as a subject for research will be, whether such inquiry can be conducted on a strictly scientific basis.

Before Kepler and Newton succeeded in tracing certain forces in the universe, all our knowledge of astronomy and cosmogony was merely guess-work. So long as healing was a black art, or was mysteriously practised by Persian, Egyptian, and Greek magi, necromancers, and charlatans, medicine was

no science. So long as we treated the formation of the earth under the influence of purely *à priori* suppositions, geology was no science ; and so long as history shall be nothing but a detached and isolated mass of dates or incidental facts, happening simply because they chance to happen, history cannot be looked upon as a science. When the study of medicine began to be based on the influences of climate and food, and on a correct study of the complicated frame of the human body ; when men learned to look upon diseases as mere effects of some known or unknown causes, from a deductive and not from an inductive point of view, medicine attained the rank of a science. When we began to investigate the layers of the earth's crust, and saw a regular plan in them, recorded more accurately than if chronicled in the leaves of a book ; when we began to deduce theories from visible and tangible facts, and to systematise them, geology became a science.

What then really constitutes science ?

Wherever we can trace in phenomena, of whatever nature, the action of forces working according to certain laws, we may treat such phenomena scientifically. I will not quote the apophthegm of Pope, "that man ought to be the study of man," for this truism is universally acknowledged, though not yet acted upon. History has to treat of the complicated phenomenal effects of which man is the cause. History must be based on facts, systematically grouped in order to prove the action of forces working in humanity according to certain laws. The word "law" is very much objected to by unscientific minds, for they assume that the very word "law" contains an element of infidelity, pantheism, or atheism. The originator of all law can only be God ; the study of His laws must lead us to a purer and clearer understanding of His nature, and bring us nearer to Him. The fear that "law"—that is, the finding of a connection between cause and effect in every phenomenon—is detrimental to true religion, is one of those *à priori* assumptions that have in all ages impeded the progressive evolution of the moral and intellectual forces in humanity. Science marches onward, and any arbitrary system of dogmatism that

is not able to make its tenets agree with the results of science is not only not worthy to exist, but must inevitably pass away, as contrary to the eternal laws of God.

In studying man as the most important agent in history, his nature must first be taken into consideration; not from a one-sided, Indo-Gnostic, or Hebrew-Egyptian point of view, but as a portion of the universe. Taking man as a part of the "makrokosmos," we know that he is composed of matter and spirit (the latter word in the sense of consciousness, intellect, reason). So far as he is of matter he is subject to the general laws of gravitation in common with any other inorganic or organic bodies. With reference to spirit, however widely we may differ as to its essence, we cannot deny its existence as a force, a powerful and active force, showing itself in the conception of works of fiction, in the arts and sciences; in discoveries and inventions; in producing religious systems, either advancing or retarding the social condition of man; in creating laws and in waging war or making peace.

The elements composing humanity being matter with its physical properties, and spirit or intellect as an ever-active force, man must be subject both in body and mind to law. All physical science is based on tracing the working of forces, their action and reaction. If even the laws of vitality (taking life to be an absolute entity, and not a relative effect of cosmical causes) were amenable to scientific investigation, we should meet at once with a double current of laws:—

(a) The laws of conservation of energy (or force) as they manifest themselves in inorganic nature, being *static*.

(b) The laws applied to the ever-varying phenomena of vital activity, being *dynamic*.

Humanity as a whole cannot be exempt from such laws. We therefore can assume two distinct forces working in humanity, the one static—morals; the other dynamic—intellect. The first is passive, the second active. As soon as we assume two acting and counteracting forces in the historical development of humanity we are able to trace their working, and subject all the phenomena of history



by a strictly scientific method to laws of causation. The historical phenomena must then afford conclusive proofs that humanity has developed according to law, law fixed and invariable, necessitating the most stable order, producing under a similarity of general causes the same special effects. This law, instead of being the mere arbitrary conception of the human mind, is the expression of the supreme divine will, laid down in cosmical matter as attraction and repulsion, and in the history of humanity as the conflict between the static and dynamic, the moral and intellectual forces in man.

The final aim of the working of these forces is civilization. Not in the sense of M. Gobineau, who defines civilization as "a state of comparative stability, in which a large collection of individuals strive by peaceful means to satisfy their wants, and refine their intelligence and manners." This is mere verbiage. We may ask, what is a comparative stability? why should only a large collection of individuals be included? why not all? As to peaceful means, they have often been singularly warlike, and such occasional thunderstorms, produced through the disturbance of the forces working in humanity, have occasioned more progress than an everlasting peace could have done. Again, what are the wants of man? what are we to understand by a refinement of intelligence? and what are manners?

M. Guizot is even less fortunate in his definition of civilization. "Civilization is the fact of progress, of development." We should like to discover wherein this fact of progress consists. Is it something definably absolute, or merely something undefinably relative.

Humboldt is more fortunate, for he says, "Civilization is the humanization of nations in their outward institutions and the inward feelings upon which they depend." This definition begins by defining one word by another which requires a definition in its turn. Civilization is humanization, but what is humanization? and further, what are outward institutions brought into harmony with inward feelings? what are feelings? Such definitions as these render history, "a



book with seven seals protected. The much-vaunted spirit of the times is after all only the historian's own spirit." Truth becomes *subjective*, and takes as many hues and tints as the historian brings prejudices and ignorance to bear upon it; whilst the *objective* treatment of the historical development of humanity is altogether neglected. In assuming two forces working in humanity (taking the word force in the sense of anything producing an effect), a static and a dynamic, and bearing in mind that by these technical terms we must understand morals and intellect, we are able to give an entirely different definition of the final aim of history, containing at the same time a scientific solution of all its phenomena.

The object of humanity, from the time when man awakened to consciousness and entered into the bonds of society, was to find an adjustment between the two inherent forces, morals and intellect; in which adjustment the ultimate aim of mankind—civilization—consists; for civilization in reality is nothing but a perfect balance between the two acting and reacting, the static and dynamic forces working in humanity.

The whole study of universal history resolves itself into a correct tracing of the disturbances in the balance of the two forces. All the phenomena in the flowing and ebbing ocean of past, present, and future, religious, social, political, artistic, and scientific events may be explained scientifically and philosophically by tracing a preponderance of morals over intellect, or of intellect over morals. If we are only moral and neglect intellect, we are as surely doomed as if we cultivate intellect without the counteracting and balancing power of morals. Our legislation and judicature are nothing but a more or less conscious attempt at balancing these forces of mankind. Revolutions, wars, the downfall of empires, changes in dynasties, animosities in religious or scientific controversies, are but endeavours to readjust and discover the equipoise between the static and dynamic forces. If we apply this general law to particular events in history, we shall find them all explained by the aid of this theory.

Greece, so long as she balanced her moral and intellectual

powers in arts and sciences prospered ; but the moment this balance was disturbed through conflicting social and political conditions, and a neglect of the static forces, Greece ceased to be a state. The whole progress in religion and science may be reduced to a struggle between our inherent moral, and our inborn intellectual forces. The grand division of ancient philosophy originated in this evolution of the static and dynamic elements in humanity. Throughout the Middle Ages and modern times we see the contest between the orthodox and the heterodox, nominalists and realists, materialists and idealists, monks and laymen, Church and State, mystics and freethinkers. All these phenomena are due to the uninterrupted striving of all towards a perfect balance between our material and spiritual nature.

Until now we generally assumed three principles in explanation of the phenomena of universal history:—

I. Chance, which was the least scientific of all. *Absolute*, and not *relative* chance or mere accident is to be here understood, though even accidents may be brought under certain laws expressed in figures.

II. Predestination.

III. Free will.

Any of these bases must render the scientific study of history impossible.

Man is created to be pre-eminently a social being, he must renounce part of his individuality to become a fraction of a great whole, which had and has its past, its present, and which must, as a consequence of these, have a future life. An aggregation of individuals forms a people ; a homogeneous lingual, political, and social organization of peoples gives us states. States, like individuals, are the outgrowths of material and intellectual elements, brought into mutual relations of action and reaction. The formation of such states, their development, growth, and death, are so many successive phenomena in time and space, due to the two forces working in man, which are the only possible causes of the historical effects which form the phenomenal elements of history.

(a) Were we to assume chance in the historical development of man, we should discard order and law in the destinies of humanity, though both are to be found in the smallest chemical substances. Our assumption would therefore place man on a lower footing than even inorganic matter.

(b) Predestination, strictly taken, is essentially only another name for chance. If we assume a higher force which directly regulates the destinies of each individual, and thus of the multiplication of individuals in nations, both individuals and nations are incapable of ever becoming masters of their fate, as their actions once having been prearranged and predisposed, could not come under the influence of moral responsibility. This theory would involve the grossest calumny against the supreme will. The idealistic thinkers endeavoured to find some means of solving this difficulty, and assumed side by side with predestination,

(c) Free will, but free will of the individual against whom? Against the supreme will. That is, they opposed impotence to omnipotence, weakness to power, nothing to something. All crimes, wars, murders, revolutions, all petty thefts, lies, calumnies, all deadly sins and passionate outbursts, would thus be attributed directly to the Deity. The murderer could be no murderer, except by the will of God, as he was predestined to commit this crime, and was left to struggle against this almighty, unalterable absolute will with his small and insignificant relative will. This relative will exists as our inherent dynamic (intellectual) force, which, when we are once conscious of it, we must regulate according to the laws of our inherent static force, morals. If this consciousness of the two inherent forces be wanting, no responsible free will can exist in an absolute sense. Free-will is therefore only a relative agent, and can be as little the basis of law as it can be the basis for a strictly scientific treatment of history.

Inherent forces and their working according to recognisable laws of mutual inter-dependence of cause and effect, alone can form a firm basis for a strictly scientific treatment of universal history.



Modern historians assign great importance to the influences exercised by climate, food, and the aspect of nature on the development of humanity. Such influences operate only so long as we are ignorant of them, and hence only form an accidental element in the histories of man, who through science may become master of the physical forces of nature. Man, though the weakest of all creatures, becomes through his intellectual capacity the most powerful being. A thousand yet unknown faculties slumber in him, all of which may be brought into play by an unfettered working of his intellect, if well balanced by morals. In a desert, brought up amongst wild animals, he imitates them, and roars with them, till he becomes gradually conscious of his intellectual and moral forces, and masters the fauna surrounding him, regulates his food, and even triumphs over the impressions of climate (through his textile fabrics and architecture).

The geologist, in tracing the different changes in the formation of the earth's crust, calculates the time when seas covered the summits of some of our high mountains, and endeavours to fix the state of the surface of the earth at the time when Ceylon was detached by volcanic disturbances from Coromandel, Sumatra from Malacca, Kyprus from Syria, Thrakia from Phrygia, Eubœa from Attika, Africa from Spain, England from France, and Denmark from Jutland. The historian, on the other hand, traces the gradual development of man from the savage without language and habitation to the fisherman or hunter, the roaming barbarous nomad, and finally to the agriculturist who gives and obeys laws, creates a social and political state, removes rocks, builds tombs, altars, temples, and towns, pierces mountains, ploughs in spots where formerly ships dashed through the waves, erects palaces on the treacherous seas, separates continents by artificial rivers, conducts streams into deserts, and turns the barren soil into fruitful gardens. Everywhere climate, food, and nature change under the influence of man's dynamic power. Forests with their wild beasts disappear, and marshes are dried up and turned into arable fields.



If historians argue that the registrar's tables alone afford a firm basis for the study of history, they make the fatal mistake of directing their attention to mere effects instead of endeavouring to discover the causes. Properly considered, statistics prove more conclusively than anything the working of the two forces (of morals and intellect) in humanity. Their figures are nothing but so many registrations of the disturbed state of these two forces. If they point to a high rate of mortality, suicides, births of illegitimate children, a superfluity of women, paucity of marriages, drunkenness, and overcrowded workhouses, the static force must have been as sadly neglected as the dynamic. Wherever such figures tell their own melancholy tale, we may be sure that, though there may be an abundance of moral talkers, there can be but very few intellectual schoolmasters, striving to adjust the disturbed balance of the forces working in humanity. There can be no doubt, therefore, that statistical records will serve to show that either the one or the other of the two forces, or both, must have been neglected, or that one of them has been one-sidedly cultivated at the expense of the other.

The next most important inquiry will be, whether we can apply our theory to the known facts of the development of humanity. If we divide the globe into a northern and southern hemisphere, we shall find that in the former, in which the higher order of animals are found, the dynamic or intellectual force of man is in the ascendant, whilst in the latter the static or moral force preponderates. It has been customary to trace the development of mankind with the rising sun from east to west; but more precisely the current of the progressive development of humanity passed from the south-east to the north-west. The south-east has given us religious systems, alchemy, astrology, zoolatry, idolatry, theism, pantheism, symbolism, mysticism, magic and cabalistic incomprehensibilities, &c.; whilst to the north-west we trace all the inventions and discoveries. In the north-west the Aryan group of humanity has worked out astronomy, geography, anatomy, psychology, chemistry, botany, geology, mineralogy, ethnology, compara-

tive philology, biology, and cosmogony, and even justice, in the spirit of Christ's teachings, was brought into the shape of a tolerant and more humane code of laws. Geographically we may thus trace the working of the two forces, and find the cause of the different development of humanity in the south-east and north-west.

Considering humanity from an ethnological point of view we find that we can state, with arithmetical precision in figures, the *plus* or *minus* of the static or dynamic forces with which men are endowed, and here again we shall find our theory borne out by facts.

The average amount of brain in the aborigines varies in the north-west from 92 to 120 cubic inches; whilst in the south-east the average is from 75 to  $83\frac{1}{2}$  cubic inches. In the former, as we have just stated, the dynamic force predominates, and in the latter the static.

The three principal groups of humanity are also distinguished in colour. The first is white, the second yellow, and the third black; all the other races are intermixtures of these three elements. Their facial angle differs. The white man's is  $90^{\circ}$  on an average, that of the yellow  $87\frac{1}{2}^{\circ}$ , and that of the black  $85^{\circ}$ .

The Black is pre-historical, and continues without history; the Yellow has developed to a certain degree, and then remained stationary; and only the White is progressively historical and has influenced, and still influences, and will influence the destinies of the world.

The following table may serve as a further explanation of my theory:—

ETHNOLOGICAL CONDITION OF MANKIND, SHOWING AMOUNT OF  
BRAIN IN THE THREE PRINCIPAL GROUPS OF HUMANITY, AND  
THEIR CORRESPONDING STATIC OR DYNAMIC FORCES.

Groups.	Nations.	Cubic inches of brain.	Forces.
I. White Aryans.	Indians, Goths, Teutons, Persians, Greeks, Romans, Kelts, English, Danes, Dutch, N. Americans, Scandi- navians, Slavonic, &c.	92	{ The dynamic more or less balanced by the static force. All inventions and their pro- gressive development, all dis- coveries, all systematic treat- ment of sciences, originated with this group. Philosophers, moralists, engineers, archi- tects, sculptors, painters, and musicians.
	<i>Subdivision A.</i> Chaldeans, Phœ- nicians, Hebrews, Carthaginians, Arabs, Syrians, Abyssinians, &c.	88	{ Prominently static, the dy- namic force less developed, and if so especially as theolo- gical dogmatism, as trading or controversial faculty. Theologians, traders, and musicians.
II. Yellow Tura- nians.	Chinese, Mongols, Finns, Turks, Malaic, Gangelic, Zohitic, Tamalic, American Indians, &c.	83	{ Static. The dynamic force only developed as technical faculty. Inventions remain stationary. Agriculturists, traders, and herdsman.
	<i>Subdivision B.</i> Aborigines of In- dia and Egypt.	80	{ Static. The dynamic force developed as mysticism. The cerebellum very large, the cerebrum comparatively smaller. Dogmatic theolo- gians.
III. Black Negroes.	Asiatic Negroes and African races, &c.	83	{ Static and dynamic forces undeveloped. Brain rela- tively to the body very small. The cerebellum large. Ani- mal propensities predominate.
	<i>Subdivision C.</i> Toltekas and bar- barous tribes of America.	79	{ Both forces undeveloped, great imitative faculty.
	Hottentots, Aus- tralians.	75	{ Both forces in the lowest possible degree of develop- ment.



The facial lines of the Black are drawn downwards (see Fig. 1), he is prognathos, his teeth are crossed, the lips projecting, the hair woolly, he has no instep and no calves, the pelvis is badly developed. He is *triangular-headed*.

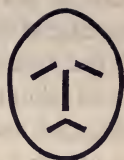


Fig. 1.

The facial lines of the Turanian are drawn upwards (see Fig. 2), his muscles are powerfully developed, the chest is broad, the lower parts of the body are short; he is generally bow-legged, and has very small feet and hands. He is *square-headed*.



Fig. 2.

The facial lines of the Aryan are straight (see Fig. 3), he is the most harmoniously developed creature. All the parts of his body are in perfect proportion. He is *oval-headed*.

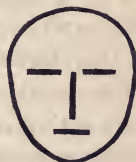


Fig. 3.

To illustrate my theory more strikingly let us take 400 millions of Mongols or Turanians, with an average amount of 83 cubic inches of brain, and 400 millions of Aryans with an average amount of 92 cubic inches; the difference of the intellectual power in the two groups will be 3,600 millions of cubic inches of brain. The intellectual force of such an amount of "brain" must be immense, and the deficiency of it in the one group cannot but produce effects which must affect its historical development. For brain, like steam, electricity or sound, represents motion or force, acting on matter, and reacted upon by outward impressions, which impressions in their turn engender new powers of action.

The organization of humanity goes still further. The two completing sexes, the male and female, are but incarnations of the two forces working in mankind. Man is dynamic, he has on an average a greater amount of brain; woman is static, she has a smaller amount of brain, her element is passivity and strict morality; a perfect balance between these two elements has been established by the Creator, as M. Quetelet

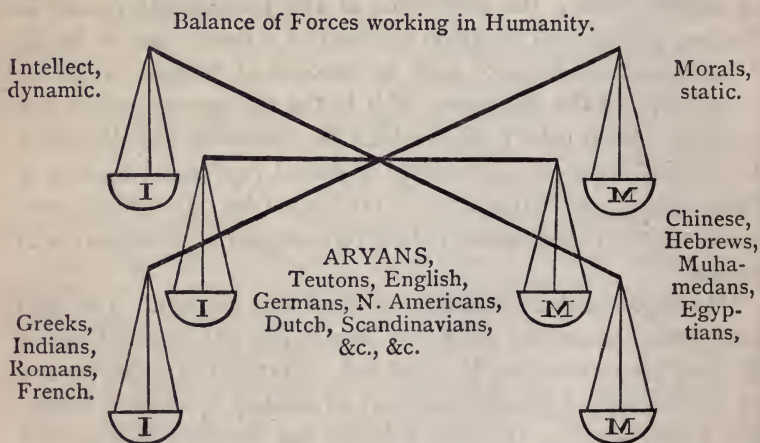


proves in his "Letters on the Theory of Probabilities," but our artificial organization of society has disturbed this balance, and the results are *strong-minded* women and *weak-minded* men, in whom the innate elements of intellect and morals are exchanged and badly balanced, producing confusion and vain endeavours to adjust the disordered laws of nature by a still greater disturbance of those laws.

Not alone may historical events be traced to a disturbance of the balances between our moral and intellectual forces, but the welfare of each individual human being, whether male or female, may be attributed to the same cause.

History studied on such a basis is distinguished from mere annals or catalogues of events, and becomes thoroughly scientific, for it traces through all the past ages of which records exist—and some of the existing records are not written down, and therefore the more reliable, because so much less exposed to interpolations and falsifications—the conflict of the two forces acting in humanity, the laws that govern this conflict, and the results that this conflict has produced.

The following diagram may serve as a general illustration of our deduction.



Wherever one of the forces has been one-sidedly cultivated, as in the Chinese, Hebrews, Muhamedans, or during the

Middle Ages, and people and their rulers or priests strove at the culture of morals, but neglected or checked the progress of intellect, such states or nations remained either stationary or had to perish. The same holds good of those nations who cultivated intellect at the expense of morals, as the Greeks, Indians, and Romans.

History from this point of view resolves itself to the following five principal periods :—

#### FIRST PERIOD.

(a) Intellect tries to discover first principles in the laws of nature, the origin of evil, the amount of freedom of will and action, without clear consciousness, but with great intuitive power. This is the period of lawgivers: Manû, Menes, Zoroaster, Mosès, Confucius, and Pythagoras lay down their regulations for making man virtuous. Man is pre-eminently static. Ancient History.

#### SECOND PERIOD.

(b) The efforts of intellect are directed towards a conflict between *a priori* assumptions and the results of *a posteriori* experience, producing Greek and Roman philosophy. Morals fall, whilst intellect rises. Man is pre-eminently dynamic. The Classic period of History.

#### THIRD PERIOD.

(c) Christ redeems man's moral and intellectual nature. The Oriental and classic antithesis between light and darkness, matter and spirit, form and essence, is reconciled by Christ, who brings the conflicting forces into harmony through God's pure spirit of love and truth. The static and dynamic forces working in humanity thus lose through Christ their antagonistic nature; that which appeared to be hostile is united, and the redemption of humanity commenced. A perfect balance between the static and dynamic forces in humanity is established in principle. Period of Redemption.

#### FOURTH PERIOD.

(d) The spiritual adjustment of the balanced forces in man

is again artificially disturbed. Intellect is to be subjugated by the influence of Hindoo-Buddhistic or Hebrew-Egyptian dogmatism in the shape of unalterable static laws; the dynamic force revolts, frees itself in the schools of the Nominalists and Realists, succumbs to one-sidedly cultivated intellectual forces in the shape of vague and often incomprehensible dialectics, which are opposed by a freer mysticism, till at last the balance is once more regained through the Reformation. The Middle Ages.

#### FIFTH PERIOD.

(e) The revived forces of intellect, strengthened by a better understanding of morals, and less fettered by dogmatism, are devoted to the discovery of first principles in religion, science, and politics. Man endeavours to regain on the basis of Christianity, as the true redemption of our spiritual subjectivity, the lost balance between the static and dynamic forces. He traces in the combination of all human knowledge more complete and systematic forms, begins to contribute, to investigate, to discover, and to define the principles of causation in the physical and moral phenomena, and through a philosophical treatment of these phenomena transforms our hypothetical chance existence into a living entity, subject to God's eternal laws, in order to bring about a perfect balance between our moral and intellectual nature. Modern History.

In conclusion I would only address to you the simple question whether the Study of Universal History, based on such general principles as I have briefly sketched, is not capable of a strictly scientific treatment?



## MALTA AND ITS KNIGHTS.

BY THE REV. SAMUEL COWDY, LL.D.,

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MALTA, formerly called Melita, is an island of great value and strength. Oval in figure, its area would probably be found to involve the measure of one hundred square miles.\* Separated from Gozzo—the fabled isle of Calypso, by a channel between four and five miles broad, in the centre of which is an islet called Cumino or Cumina, it seems likely that at some remote period the three islands constituted one. In many parts of Gozzo excavations have led to such important discoveries that this smaller island is by many deemed a fine field in which lovers of antiquities would reap signal success: especially in reference to the period when Gozzo, as well as Malta, was under the sovereignty of the Knights.

The climate of Malta is remarkably mild and healthy. In summer the thermometer varies from  $75^{\circ}$  to  $85^{\circ}$ , and in winter it seldom descends below  $50^{\circ}$ . In most years green peas may be seen in the market from November till April. The island is noted for the longevity of its inhabitants, for while the ages of 80 and 90 are not uncommon, some persons have reached the age of 120.

Seaward the aspect of the island is truly imposing. Antiquaries have described it as a Mount Atlas gazing out of the water. Situate as Malta is at nearly equal distances from the Strait of Gibraltar and the coast of Syria, and midway between Sicily and Africa, its central position is commanding,—being a key to the whole Mediterranean Sea. Considering its conveniences alike in times of war and

\* Some twenty miles long, and twelve broad.

peace, its importance can scarcely be overrated by a great commercial nation.

Research among the records and relics of Malta would disclose matters of history peculiarly interesting, and of a valuable character. The situation of the island had not been overlooked by daring adventurers in the bygone ages, nor was it ever deemed an unenviable possession. The catacombs tell a long tale relating to the centuries during which it was held by the Phœnician navigators of the "Great Sea." Monuments also point to the time when the Phœnicians were displaced by the Greeks, and they in turn by the Carthaginians; Rome, aspiring control over this noted sea, kept her eye hopefully on Malta. Fierce and sanguinary were the engagements before the island was taken by the Romans; once in their possession they used every precaution to retain it. To ingratiate the inhabitants their ancient usages were tolerated, and the Roman consul, Titus Sempronius, raised the place to the dignity of a municipality. From relics and monumental records may be deciphered periods when the island passed into the hands of the Goths and Vandals, the Saracens, the Normans, and the Germans. In the 13th century it was taken by Peter of Aragon, and from that time continued, partially or wholly, under the government of the Sovereigns of Spain and Sicily, until the reign of the powerful and shrewd Charles the Fifth. Probably from mixed motives Charles made a grant of it (which grant is dated March 23rd, 1530), to the Knights of Rhodes, otherwise called the Knights Hospitallers of St. John of Jerusalem, subsequently designated the Knights of Malta. The Grand Master d'isle Adam with his retinue disembarked and took possession on the 25th October, 1530. Before the end of the century the island was raised by the valorous Knights to "Malta the invincible."

This order of Knights originated about the middle of the eleventh century. From religious motives and for religious purposes, permission was obtained to erect a place of refuge in Jerusalem, chiefly for the use of pilgrims to the Holy

Land. The institution rapidly increased. With speedy growth came vows of celibacy and statutes for direction and incorporation; and the incorporated body became known as the Order of the Knights Hospitallers of St. John of Jerusalem. It would appear that admissions to the Order were nearly all from "ancient noble families," exceptions being made only in cases of great personal merit. By statute, "no natural children, those of great Princes excepted, nor persons under eighteen years of age could be admitted," excepting in cases of special dispensation from the Pope, or as a special favour granted by the Grand Master.

From time to time the Knights received extensive grants of land and houses, until not only the greater part of Jerusalem, but other cities in Palestine belonged to the Order. These increasing possessions were beheld with jealousy by the Mahometans, who spared no occasion to show their contempt of the Knights. Dreadful outrages on the part of "the infidels" became so frequent that early in the twelfth century the Knights of St. John deemed it essential to bear arms for self defence: henceforward the Order had a military character. Conflicts ensued, some of which were attended with much bloodshed. At length the overpowering victories of their enemies compelled the knights to abandon their possessions in Palestine, and take refuge in Candia. A short and sanguinary career seems to have ended their abode on that Island; soon to be followed, however, by the possession of Rhodes.

The celebrated island of Rhodus, or Rhodes, was then under the tyranny of the Turks; and the Rhodians—once an independent and powerful people—were enslaved and ground down by arbitrary rule. Freedom and prosperity came to them through the Knights of St. John, who delivered the island from Turkish power in or about the year 1309. They continued to retain it, against the whole power of the Ottoman empire, upwards of 200 years. It is well known that over the entry to Rhodes' harbour once stood the brazen image, called one of the seven wonders of the world;



said to have been sold to a Jew for £36,000 of our money. Long before the knights gained possession of the island, the Colossus had been sold by the Saracens ; but they could not sell the harbour on which it rested,—a harbour of far greater security than an image ever could be. The knights saw that, and at once made this noble port a position of safety, and means of defence. They also rebuilt the town, and that on a scale of three miles or more in circumference. The construction of the city was most elegant ; it was defended by three walls, many moats, and various fortifications ; thus fortified it was considered to be one of the strongest places in the world. Under the *régime* of the knights—now styled the Knights of Rhodes—the island speedily rose to even greater prosperity than at the period when the Rhodians were considered the first maritime power in the Great Sea ; and, for two centuries, the works on that island bore the impress of the liberality, wisdom, and bravery of the Order.

At the memorable “siege of Rhodes” all the powers of the Order proved insufficient to withstand the impetuous attacks of the invading army of Turks. On capitulating, the Grand Master and his followers, with many who had become attached to the Order, chose to leave the island rather than submit to Mahometan rule. At this juncture Charles the Fifth made overtures, and the offer of Malta to the knights. The grant was accepted, and the Grand Master entered on the sovereignty of that island towards the end of the year 1530.

The islands (Gozzo and Cumina were included) were granted to the Order as a fief, but free of all service whatever : certain conditions only were annexed. One of these was “that the Order swear to prevent its new subjects from ever molesting the king of Sicily ;” another, “that a falcon be annually presented to the king by way of homage.” A third, provided that “the consent of the King of Sicily be obtained in case the Order should transmit the possession of the place to any other power.”

The knights found the island sadly impoverished and inde-

fensible. By external pressure and internal feuds, severe losses in war and feeble administration, the place was in a position to become a prey to any lawless adventurer. It had been much depopulated. Turks and pirates had carried away the inhabitants, laid waste the country, and reduced the revenue to a minimum. Not only did the knights on occupation discover all this, but their many encounters had taught them to expect a renewal of annoyances from their old and inveterate enemies. The prudence and wisdom they manifested in making the best of the position so told, that under the *régime* of the knights, Malta, phoenix-like, rose to a state of marked prosperity. The inhabitants, previously ground down by those who had reigned over them, now began to feel relief, and by degrees the people became not only reconciled to the change, but their confidence and esteem were also won by the generosity and decision of their new masters. Money began to circulate freely; labour was increased with its proportionate reward; and encouragements were given to enterprise tending to benefit all classes. The population rapidly increased, and became more numerous than in proportion of its size, any other place on the surface of the globe.

Not too soon were the defences, such as they were, repaired and improved. The winds which bore outward the tidings of prosperity brought back ominous news. Rumours became rife respecting an invasion by old implacable foes. They came, they saw, but they did not conquer. The brave knights withstood a long siege with ultimate success; and that, with the expectation of another invasion of the Ottomans, constituted the occasion of undertaking the gigantic work which gave to the island the designation of "Malta the Invincible."

The celebrated La Valette was then grand master of the Order. He probably framed the general design for making the place a stronghold. Still, the first engineers in Europe were summoned, and long consultations ensued before the original design was so matured as to lead the knights to

resolve on the entire plan for the strong city and its noble harbour. Many minor particulars suggested at these conferences were adopted to fill out more effectually the purpose of impregnability. In connection with the undertaking promises of help flowed in abundantly. Among others, the king of France contributed 40,000 crowns, the king of Spain 30,000, and Portugal a like sum. The foundation of the compact city with its commodious port, both named after La Valette, was laid in 1566. Great enthusiasm was manifested by the inhabitants; all classes came forward to aid in erections which were to insure defence, and heighten the inflowing tide of prosperity. Before the works were finished La Valette died; but his successor, the Grand Master De Mont, energetically carried on the design to its completion.

In the construction of the formidable fortifications the outworks were so distributed as to assign to the knights of each nation their own special post of defence. The Knights of Aragon had the bastion called after St. Andrew; the Knights of Auvergne that of St. Michael; the Knights of Castile that of St. Barbara; the Knights of England the platform of St. Lazarus; the Knights of France the bastion of St. James; the Knights of Germany that of St. Sebastian; the Knights of Italy that of St. Peter and St. Paul; and the Knights of Provence that of St. John. Posts of honour were thus assigned at each guard-point to the knights,—scions from the noblest families of an octave of nations in Europe. At different periods additions of various kinds were made to the original fortifications, until it seemed as if nature and art had vied to make the city what it became, the admiration of Europe.

Not solely, however, on account of the defences was the place attractive, or viewed with pleasure. The interior of the city, with its streets running in parallels latitudinally and longitudinally, constituted a special and charming manifestation of original design. Then in all this the knights had not lost sight of the charitable character of the Order and their title of Hospitallers; protection was



sought for better carrying out their purposes of benevolence. Hence their extensive hospital,—a pile of buildings enclosing a spacious square. Gazing on the old place of refuge and relief so conspicuous in a city outskirted by the most formidable bastions, the thought is suggested that defences were constructed to protect charity. This great and grand hospital was in all respects a princely establishment. All the utensils were of silver. The place was open to all nations, and to persons of every religion. The knights themselves superintended the gratuitous administration, and not infrequently attended the patients personally.

Other noble buildings erected under the same auspices adorn the city. Filling a quadrangle formed by four streets is the magnificent palace, once the residence of the Grand Master of the Order. In the gallery of the palace are many valuable paintings. There are bas-reliefs in marble, representing, the Queen of the Amazonians; Tullia the daughter of Cicero, and a third Claudia, wife of Cæcilius Metellus and Queen Zenobia, wife of Odenatus. In the rear of the palace is an extensive armory, in itself a study, around the walls of which the arms of the knights are regularly disposed. Therein one seems to be surrounded by giants clothed with mail, while ponderous shields lie at the feet of the statues. Perhaps the most tasteful piece of armour is the entire mail of the Grand Master Wignacourt; it is said to be inlaid with gold. Near the centre are glass cases in which are deposited charters referring to possessions in Jerusalem by the knights, and relating to the grant of Malta. On the north side of the palace rises a lofty tower formerly used as an observatory. It was established by the Grand Master Rohan, and was much used by him and his successors. The public library of Malta was founded by a knight in the year 1760. For this purpose he gave above 7,000 volumes of choice works. From time to time additions were made by the knights of the different nations until the library reached 70,000 volumes. There is a museum, and it is divided into several cabinets in which are medals and other antiquities. The treasury is a special repository of

many, varied, and valuable documents relating to the history of the Order. In the magnificent church of St. John, the high temple of the knights, are splendid monuments erected in memory of the Grand Masters, and altars dedicated to the different tongues or branches of the Order. In the tessellated pavement, with its many colours, are represented the arms and insignia of distinguished knights, whose remains are deposited beneath, and whose names are commemorated in mosaic work. Returning to the palace of the Grand Masters we may briefly observe that there is a private cabinet containing a fine collection, with many beautiful designs. From library shelves, antiquated boxes, and other hiding places, search might discover valuable coins, medals, and inscriptions, with other remarkable treasures, illustrative of history far beyond that of the knights and the confines of Malta. For example, there is to be seen in the private cabinet alluded to a portrait of Henry IV., the first of the Bourbons, and by some called "the father of his people." Annexed to the portrait is a letter in the king's own handwriting—a small literary curiosity. The following is a copy :—

" *Mons de Bats,—*

*" Jay antandu aveq plesir les servyces que vous et Mons. de Roquelaire aves fet a ceuls de ma Relygyon et la sauvetè que vous partyculyerment aves donnee an votre chatau de suberbie a ceuls de mon peys de Bearn\* et aussy lofre que je accepte pour ce tams de votre dytch, de quoy je vous vous byen remersyer et pryer de croyne que byen que soyes de ceuls la du Pape je ne aves come le cuydyes malfyance de vous dessus ses choses, cels quy suyvent tout droyt leur consyance sont de ma relygyon et moy je suis de cele de tous ceuls la quy sont braves et bons, sur ce je ne ferè la presante plus longue synon pour vous recomander la place quaves an meyn et d'etre sur vos gardes pour ce que ne peut fay'yer que*

\* "Bearn." Probably an old province of France on the Spanish frontier.

*ne eyes byentot du bruyt aus oreyles mes de ceuls la je man repose sur vous come le devez fer sur.*

*“Votre plus assure et mylleur amy*

*“HENERY.”\**

In the public library there is a monument to the honour of Lysias, to whom it is said the Maltese were indebted for the preservation of their favourite apostle, St. Paul. On it is an inscription to the memory of Claudius Lysias. This marble-piece was the gift of one of the Grand Masters, probably Victor de Rohan.

Such a city, with all its conveniences and defences would be incomplete without its secure and commodious Valetta harbour. The inhabitants to this day claim for it and the surroundings, the admiration of all visitors. The sea runs into the various coves indenting the land all around this great port-basin. From each part of the harbour a different aspect of the city is presented, while from different parts of the city the harbour appears in various aspects. Lovely as it is it further answers a two-fold design. It is capable of accommodating whole fleets of war vessels, and is as useful now as when the knights manned their ships against the *Corsairs* of “the great sea.” None the less is this harbour a splendid anchorage for merchant ships. Formidable fortifications on the heights cover or command the whole port, crowned by the castle of St. Elmo on the one

\* I have heard with pleasure of the services that you and Mons. de Roquelaire have rendered to those who are of my religion, and of the safeguard which you particularly have given in your Château de Suberbia to those of my country of Bearn, and also of the offer of your *service*, which I accept for the time being, and for which I thank you, and pray you to believe that though I am of those who are now out with the Pope, I do not suspect you in these matters. Those who follow their conscience in all things are of my religion, and I am of the religion of those who are brave and good. I will add no word, except to commend to you the place you hold in my affections, and to warn you least any eyes or any ears should testify against the trust I repose in you and which you may repose in—Your most assured and best friend, HENRY.



side, and on the other by the fortress of St. Angelo. The forethought of the knights is seen, not only in the distribution of the defences, but also in the abundant supply of water both for the city and the harbour. All the more remarkable is this in an island where there are neither rivers nor streams. By an aqueduct the water pours in from a fountain or fountains far inland, and by means of pipes it flows into every house in the city, supplies the playing fountains in the streets, and the necessities in this respect connected with all shipping in the harbour. The great work of thus supplying the city and harbour was undertaken and carried out by the Grand Master, Adolph de Wignacourt.

Over and above the fortified state of Valetta, the coast is defended by entrenchments, batteries, and towers, the strong works of the knights. Other and most important changes in the interior also took place under their sovereignty. Lovely gardens, magnificent palaces, and country pleasure houses, are to this day indicative of the best days of the Order. Especially did they enlarge and beautify the *Cittavecchia*, the ancient capital, which according to tradition was founded 1404 years B.C. It is called the City of Medina, and is situate on an eminence within a few feet of the highest mountain in Malta. The cathedral of the island stands within this city. This edifice, supposed to be built on the spot where stood the house of Publius, is dedicated to the patron saint of the island, St. Paul. In the suburbs of this city, overlooking the bay in which the great apostle was shipwrecked, are the renowned catacombs and the grotto of St. Paul. Over the grotto is a church dedicated to Publius, which was considerably enlarged and embellished by the Grand Master, Lascaris. From this church a flight of steps leads to a small subterranean chapel, in which there is an exquisitely finished statue in white marble representing St. Paul, the work of the celebrated sculptor Melchior Gaffa, who was born at Malta in 1635. Valuable relics are also numerous in the old city. Somewhere about Medina, there was found a stone covered on three sides with Phœnician characters, and on the fourth

with an inscription in Latin. The stone was sent to the Asiatic Academy in Paris, where it remains.

Many Englishmen were led to sell their estates, cross the sea, and settle at Malta. Their presence has tended to the benefit of the Maltese. The villages and hamlets have become transformed, and other changes for the better have ensued. Yet it is not difficult, even now, to trace the elevating influence of the knights on the tastes and habits of the people.

It might be interesting to trace changes in the customs of a people midway between eastern and western nations. On the last day of a carnival—which was regarded as a time of recreation—the peasantry assembled under the balcony of the Grand Master's palace to obtain permission for the performance of a sham fight, which was granted and carried out. At certain festivals the people assembled in the extensive gardens of the Grand Master, and spent the night in dancing. Much shouting took place, and he who could shout loudest was applauded most. Among the people of the higher classes there prevailed a custom of calling together relatives and friends on the first anniversary of a birthday. On this occasion, the child, if a boy, was presented with two baskets, one containing eatables the other trinkets. The choice he made from either basket was supposed to betray his character and decide his future plans in life. A peasant's wedding was a scene of simplicity and great hilarity. Little maidens carried baskets of flowers and sang verses in praise of the bride. After the ceremony the wedded ones had the pleasure of rustic music on their way home. Arrived there, the bride was placed in a room with a large apron spread out, in which she received a present from each of the numerous party passing in *levée* order. Invited guests brought each a fowl or some other bird. The whole was put into an immense boiler. Then came a scene. The bridegroom's friend, who presided, put a long handled fork into the cauldron to bring out and hold forth each part of the contents. Each person was supposed to recognise what he

had brought and to snatch it. Often, however, mistakes were made, and then a friendly scramble ensued to discover the rightful owner and take possession. The whole was then placed on the table and the feasting began. From time immemorial the Maltese goat was esteemed an assistant nurse. In that capacity instinct seemed to border on intelligence. The same goat has been known to suckle six children of one family. A marvellous cure was said to be effected by partaking of puppy broth. This remedy was administered to persons pining away from fright. The little animal was boiled down to a pulp. Those partaking were kept in ignorance of the fact until afterwards, when the discovery produced such disgust on the sufferers as to result in perfect cure.

Lords of the island for about 268 years the days of the knights became numbered. Their latter times were unworthy of the memory of their predecessors. The Order now consisted of only seven tongues or branches, for the English on account of differences and for other reasons had withdrawn; and the number was probably under 3,000, whereas that of the inhabitants was above 60,000.

The high toned principles and works of the knights of former days gave place to acts of selfishness and demoralization which tended to dissolution. When the Romans worshipped virtue and honour they built two temples and in such order that no one could go into the temple of honour without passing through the temple of virtue. In the year 1782 a writer remarked, "The knights are under vows of celibacy and chastity, but they keep the former much better than the latter!" It is also written that "the world knew or could guess what became the character of the descendents of the noblest families in Europe as the knights professing celibacy were hindered beggaring their families by legitimate progeny." Their titles of honour became like royal stamps on base metal. Such was their degeneracy in the year 1798 that with but a mere show of resistance they yielded up the city and fortifications to General Bonaparte. As he sat on one of the bastions he exclaimed, "What sublime



fortifications!" when his companion in arms replied, "It was fortunate we had good friends within or you never would have got possession." So fell the knights of Malta.

In one of his dispatches to his brother Joseph the General wrote, "Head-quarters, Malta, May 29, 1798: Malta is the strongest place in Europe." He left behind him 4,000 or 5,000 men to retain possession, and took away an equal number of the natives with him on his way to Egypt. The cowardly treachery of the knights shocked the inhabitants, for they discovered to their grief that they had been sold. Added to that, the unbridled conduct of the republicans and their acts of spoliation, tended to bring about another crisis. The valuable plate belonging to the hospital—the candelabras and lamps of massive silver, some even of gold, from the church of St. John, fell to the rapacity of Bonaparte and his followers. The pillaging of the Cathedral of Medina fixed the crisis. Revolution transpired. Overtures were made to Britain. The English hastened to the rescue, and after a protracted siege the place was surrendered on the 7th day of September, 1800. Thus did Malta become an integral part of the British empire. At the congress of nations held in 1814, it was confirmed to Great Britain. The armorial ensigns of England were put over the gates, and the following inscription on the main guard in the great square—

MAGNÆ ET INVICTÆ BRITTANÆ

MELITENSIIUM AMOR

ET

HAS INSULAS CONFIRMAT.

A.D. 1814.

## THE ART REVIVAL IN ITALY.

BY GEORGE BROWNING, ESQ.,

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OF THE SOCIETY FOR THE ENCOURAGEMENT OF THE FINE ARTS.

PROFESSOR HUXLEY, in his recent address to the students of Aberdeen University, drew attention to the growing desire for a knowledge of art and of art history, and trusted the day would not be far distant when a chair for this important branch of study would be founded in each university and school of art throughout the length and breadth of the land. It is scarcely credible that, with the immense facilities within the grasp of the Royal Academy, this body has hitherto allowed the teaching of art history and æsthetics to be entirely neglected. And who will not agree that these two most important branches of an art education are simply a necessity? Historical painting—acknowledged to be the highest, most elevating, and instructive form of pictorial representation—can never attain that degree of excellence of which it is capable, unless the art student passes through a thorough course of historical teaching during his academical career. Many of the art monstrosities to be found in, and supposed to adorn, the metropolis, would never have been called into being had the study of æsthetics held a place in the academy curriculum.

With regard to the Art Revival in Italy, I wish to recall a few important historical facts that separate the old art from the new; for in tracing the gradual rise and development of art in modern times—*i. e.*, modern in juxtaposition to what is known as ancient art or antique—it is well to clearly understand the terrible state of chaos into which Italy had fallen during the time of the dark ages, then we shall be in a better position to trace the slow and gradual development of art during the period of the so-called Renaissance. Let us

define the term Renaissance. There is a great discrepancy among writers with regard to the period fixed upon to be termed Renaissance—renascence, renewal, revival. M. Taine, whose art lectures and art criticism have drawn universal attention, fixes the period between 1475—1540, but this is the period of maturity rather than of revival. At Raphael's death, in 1520, the culminating point appears to have been reached, subsequently art declined; therefore when we find that art has always been a plant of slow growth, and *not* of spasmodic leaps, we may even date the revival from Raphael, through Massaccio, whose works Raphael particularly studied—back, step by step, for nearly three hundred years, until we come to Niccola Pisano, with whom Mr. Ruskin has associated the commencement of art revival.

But to fix upon the definite period of its commencement appears to me scarcely so important as to trace its gradual growth, acted upon by the spirit of progress during the various periods that succeeded the dark ages; and for this purpose let us go back still further—to the commencement of the cathedral of Pisa, in the year 1063, from the plans of Busketto and Reinaldo—one hundred and fifty years before Niccola Pisano.

Having indicated the point of departure, I would endeavour to reconcile the respective dates of the Renaissance by dividing this so-called period of art into two distinct chapters: one the Early Renaissance, extending from the Pisan period to the middle of the fifteenth century; the other the High Renaissance, from 1450 to the death of Raphael. The former period will constitute the subject of this paper.

History signifies "research," or "investigation," thus implying etymologically a narrative based upon inquiry about facts; and as we are treating of the early history of art revival, let us rapidly pass in review the chief events that followed one after the other, and affected the entire annihilation of the high state of culture and civilization that existed throughout the Italian peninsula under Roman rule.

Rome had reached the meridian of her art-glory under the



first of the imperial Cæsars, of whom it has been said, "he found her a city of brick, and left her a city of marble." Virgil must have been deeply impressed with her beauty to dignify her with the noble title "*Rerum pulcherrima*;" but how much more beautiful did she appear under the succeeding emperors of the Augustan line, when luxury and grandeur ruling supreme, the State lavishly expended vast sums in adorning with gorgeous palaces and public buildings of vast and splendid magnificence the imperial city.

Vespasian was proud of his Coliseum, and Hadrian gathered round him all that was grand and exquisite in art; and who dreamed then, while gazing on the precious plunder from artistic Greece, that scarcely four centuries would elapse ere the sound of the Gothic war trumpet would be heard in the streets, and of all those noble edifices scarcely one stone would be left upon another! A prey to disaffection and intrigue at home, and to the oft-repeated inroads of the barbarians from without, Rome, so long the mistress of the world, sunk from her supremacy, and became—after repeated invasions of the barbarians, and the frequent visitations of plague, internal discord, and famine—reduced to such utter insignificance that Vasari has ventured to assert there was not a single inhabitant left in the city.

When Constantine, the first Christian emperor, forsook Rome for his new love, Byzantium, a general exodus took place to the new capital on the Thracian shore of the Bosphorus; and painters and sculptors migrated from scenes of barbaric depredation and tumult to a more genial climate, and to the attractions of an Eastern court. Many precious art treasures accompanied Constantine to the new metropolis.

An impolitic act on the part of this emperor—the division of the empire among his three sons—still further weakened the fast-waning power of the State. At the death of Theodosius, A.D. 395, the partition of the empire took place into the Western Empire, with the seat of rule at Rome, and the Eastern Empire, with the seat of rule at Byzantium, henceforth Constantinople. There the arts, sciences, and literature

found more encouragement than in Rome. Eagerly the young and flourishing Eastern capital welcomed men of genius to her shores, so that, the stream of intelligence flowing eastward, the old capital of the Empire became more and more desolate. The new nations from the north-east and the north—the Franks, the Alemanni, the Saxons, and the Frisii—ravaged the country, annihilating everything in their track. In 410, Alaric marched for the third time against the capital, and Rome, that had stretched her conquests over the best parts of the earth, yielded herself a prey to the merciless fury of art-scorning barbarians, who ransacked the city and put its inhabitants to the sword. For six days and six nights every species of outrage was committed. Works of art were torn down, and many a precious vase was shattered by the battle-axes of the invaders. Gold, jewels, ivory tables, silver tripods, silk vestments, embroidered hangings were thrown into cars for transport as extra baggage with the retreating army. A few years later, Attila, at the head of the Huns, ravaged Northern Italy and plundered a hundred noble cities of their art treasures, laying waste far and wide the fertile plains of Lombardy.

Scarcely a generation had passed since the sacking of Rome by Alaric, when the terror of the East and the West—Genseric—at the head of the Vandals from Northern Africa, successfully stormed the city (455 A.D.), and for fourteen days and nights indiscriminate plundering prevailed. What had been spared of artistic wealth by the Goths now fell into the hands of the Vandals. Eudoxia was shipped off to Carthage with 60,000 prisoners, and nearly all the moveable wealth of Rome. One of the treasure-ships laden with the most precious spoil foundered on its voyage to the African shore. A few years later, twice besieged by Ricimer, a Suevi chief, Rome for the fifth time (472 A.D.) was yielded up to pillage, fire, and sword.

The Heruli and Rugii banished the last emperor, Augustulus, and elected Odoacer first king of Italy. Then comes a long blank—the dark chapter of the Middle Ages—when, after

five centuries of perpetual restlessness of various tribes of barbarians, repose and silence pervaded all Europe. One little break in the darkness was the reign of Charlemagne, crowned in Rome on Christmas Day, 800 A.D. Hallam remarks, "He stands alone, like a beacon upon a waste or a rock in the broad ocean." He founded an empire, but an empire in advance of his age.

An idea was prevalent towards the close of the tenth century that the year A.D. 1000 would be the concluding chapter of the world's history. The corner, so to speak, turned, a new moral life began to develop itself. The intellectual vigour of the Teutonic tribes allied to the softer influences of the Southern race came to produce the most beneficial results. A leading cause in the art revival may be traced in the formation of the Republican States (A.D. 990). Then towns were thrown open to those who chose to settle in them, and the military habits of the populace gave security and protection necessary to progress.

Having glanced at the most important events that separated the Augustan age from the period of Renaissance, let us ask, was there a connecting link between the old art and the new? Within the quiet seclusion of convent walls the Greek monks preserved during long years of strife and barbarism much seed precious to the future development not only of art, but of literature. These monks took delight in adorning their religious edifices with painted windows of brilliant colours, and with elaborate miniatures they embellished their missals and choral books; and to them, for the preservation of art during the Middle Ages, mankind is deeply indebted. Without them we should still be in search of the "missing link." To the outer world all art was obliterated. The principles lost, the knowledge of colours passed away, and that deep sentiment of beauty, so apparent in former times, no longer hovered over desolate Italy. The barbarians had lighted their fires with the verses of Euripides and Virgil, had made a covering for their tents of the exquisite paintings of Apelles and Protogenes, and to stuff a breach in a wall of a besieged



city, had not hesitated to use the statues of Phidias or Praxiteles.

Architecture first revived. The monks proceeded to build bridges, embank rivers, and construct those magnificent cathedrals, still the admiration of all who love to contemplate art associated with religion.

In the twelfth century an improvement took place in the civil condition of the people. The Crusades taught the turbulent and warlike nobles many of the refinements, both in manners and customs, of the Saracens, awakening them to a sense of beauty, a taste for dress, and other refinements that make up the luxuries of life—the love of which increased with the introduction of rich and rare merchandise from Asia and Africa into the commercially important cities of Pisa, Genoa, and Venice. New institutions sprung up, a new language was formed, and literature and art went hand in hand.

Let us now consider the different causes which led to the rapid development of art in Italy. Her inhabitants possessed a glowing imagination, an innate love of beauty, combined with a carelessness of life, that encouraged the contemplation of Nature in all her complex forms, and were peculiarly favoured by a genial climate that heightened artistic thought and feeling. From time to time were brought to light some of the old Greek statues, for centuries hidden under the great *débris* heap, and these statues revealed the secret of form. Writes the German poet Geibel—

“All that I am, that I know, is due to the sensible Northland,  
But for the secret of Form thank I the genial South.”

High beauty, with regard to form, does not exist out of Hellas and Italy. But between pagan and Christian art there is an essential difference; the former dedicated itself especially to promote the ideal beauty of the human body, while the latter had a higher aim—the thoughtful expression of the soul. The Greek, who fashioned after his own image his gods, conceived nothing to surpass corporeal beauty as a divine characteristic; it was ever before his eyes, and thus we

can readily comprehend that sculpture or the embodiment of form flourished *par excellence* among the Greeks.

Christian art saw in the Divinity intelligence and love, and aspired to portray the divine character not in corporeal beauty, but in sublimity of expression and grandeur of thought. Thus it is in Pagan art sculpture predominated, and in Christian art painting. Italy became the heart of European civilization. We cannot claim for her any moral superiority, but she evinced a great aptitude for progress in the different phases of which the human intellect is capable. Architecture was the outgrowth of the customs and manners of the early Christian Church, and became the means of illustrating ideas to the masses. Art became a necessity to the new religion. It embodied a great symbolism; the carvings on the cathedrals were the text-books of the masses—in fact, the Popular Educator. Every church was an encyclopædia of stone.

Pisa plays a most important part in the early art history of Italy. In the latter part of the eleventh century the entire nation, but particularly the Tuscans, were aroused by the Pisans to a sense of the beauty of art. With the plunder brought home from the successful expedition against the Saracens, they constructed, from the plans of Busketto and Reinaldo, a cathedral to commemorate the event. At this time the forms of Rome and Byzantium had fused, and, touched with the Teutonic spirit, a new and grand style of architecture grew out of the combination. Lucca entered into enthusiastic rivalry with Pisa, and the sister city Florence, the Tuscan capital, took a lively interest in the progress of the arts.

Nearly two centuries after the commencement of the Pisan cathedral there arose one of the fathers of art, Niccola Pisano, who established at Pisa a school of design that subsequently sent forth a Ghiberti, whose gates in bronze at the entrance to the Baptistery at Florence, Michael Angelo exclaimed were worthy to be the gates of paradise. As Cimabue gathered the first knowledge of his art from the Greeks in the chapel of the Gondi at Florence, so Niccola loved to watch these

Byzantine decorative artists while at work on the sculptures of the Pisan cathedral. To Niccola was entrusted the design of a marble pulpit, to be placed in the Baptistery of Pisa. With the utmost diligence he endeavoured to make this work the leaning-staff of his fame; we may judge of its artistic merit from an admirable reproduction of this *chef d'œuvre* in the South Kensington Museum. Although, perhaps, his groups are sometimes overcrowded and lack sentiment, still art will ever remain deeply indebted to this Pisan sculptor, not only for his own important contributions, but also for the impulse that he gave to composition by pointing out the necessity of studying the antique.

Italy, slowly awakening from her drowsy slumber to a new sense of æsthetic consciousness, held out her hand warmly in welcome to the Greek artists who came from Byzantium at the invitation of the Governor of Florence, to adorn with their crude but powerful designs the glorious religious edifices of the Tuscan capital. About the middle of the thirteenth century Florence had become a city, not only of great political importance, but of vast commercial prosperity, and her town councillors wishing to outvie the beauty and grandeur of her rivals, Pisa and Lucca, determined on the artistic adornment of their principal churches and public buildings by Byzantine artists. But it was a gloomy, sorrowful art—that of the Byzantine school—with its gilded backgrounds and roughly drawn representations of attenuated forms and expressionless faces—richly ornamented with glories of silver, shaded with brown. Under the benign influences that hovered over the Italians, this crude, quaint style of painting could not but develop itself into a manner more graceful and more artistic. Bright in colour, bold in outline, these Byzantine productions lacked life and the spirit of harmony. Architecture and design had already emerged from the darkness. Painting awaited its appointed time; at length a youth who had intently been watching the Greek artists in the chapel of the Gondi was destined to throw off the shackles of Eastern conventionalism and to claim for Italy the leadership in the



revival of the art. This youth was Giovanni Cimabue. Born of noble parents, his father intended that he should study literature, but perceiving the bent of his mind from the sketches in his schoolbooks he apprenticed his son to the art of painting.

All who have written upon the fine arts agree that Cimabue produced work incomparably superior to all that painting could show since barbarism. His groups were composed with more artistic feeling ; his figures displayed more life, his draperies more grace. In the words of Dante,—

“ As first star in the range of art to beam  
Dawned Cimabue.”

His life-sized picture of the “Virgin Mary” was borne by the people through the streets of his native city, the event being celebrated by feasting for an entire week. A well-known commentator on the immortal poet wrote some time after the death of Dante, that Cimabue of Florence understood more than any of his contemporaries about art, yet was so fastidious that on hearing the slightest blame passed upon his work—no matter how costly—he threw it aside. Cimabue was not content to copy in form and colour the works of others ; he studied nature, and displayed in his grouping a skill not devoid of expression, while his colouring was bright and vigorous, and his conceptions grand, with a breadth of design hitherto unattained. One day, when at the height of his fame he was taking a walk in the environs of Florence, he happened to see a little shepherd lad, while his sheep fed around him, drawing one of them from the life with a slightly pointed stone on a smooth, clean piece of rock. This was Giotto, 1270—1336. Struck by the intelligence of the lad, Cimabue begged of his father, Bordone, that he might be allowed to bring him up as an artist. The progress of the pupil exceeded all the hopes that the master had conceived. The subsequent influence of Giotto banished the Byzantine art from the Tuscan school, and to the teachings of Giotto art is far more indebted than to Cimabue. One of the chief works of Giotto is still to be seen at Padua—the fresco paintings on the walls of the Capella del’ Arena, of which the subjects,

without being taken from the "Divine Comedy," have great analogy with the visions of Dante, and belong to the same order of ideas. Giotto, while studying under Cimabue, painted a fly on the nose of a figure on which Cimabue himself was employed, and this so naturally, that when the master returned to continue his work he believed it a real fly, and raised his hand to frighten it away before proceeding with his painting. Among the painters of the Renaissance, Giotto appears to be the first who attempted to make portraits. He has handed down to posterity the veritable characteristics of Dante, his intimate friend. In 1298 Giotto produced his celebrated *Navi-cella*, that is placed under the portico of St. Peter's at Rome. The little shepherd lad that Cimabue had taken by the hand to make of him an artist became an illustrious personage, over whom popes and princes disputed for possession. Bonifacio VIII. invited him to Rome; Clement V. called him to Avignon; Roberto da Napoli took him into his service, and the Grand Cane della Scala wished to fix him at Verona, where Dante found himself a political refugee. Giotto was to painting what a few years later Boccaccio was to literature: the one rendered his prose flexible for all forms, the other gave to painting a language able to treat all subjects.

Niccola Pisano, who died the year Giotto was born, had been sculptor and architect—Cimabue was architect and painter—Giotto united the three talents. The admirable tower of the cathedral at Florence is his work, as well as the bas-reliefs and the statues that decorate the façade. Thus a fact so remarkable in the history of the Renaissance presents itself to notice, viz., the marvellous aptitude of the artists of this epoch to practise all the branches of the fine arts with a success so complete that it becomes difficult to class them in the one in preference to the other.

Divided into a number of petty states, the Italian peninsula offered at the twelfth century a rivalry among the princes, nobles, and communities that proved a healthy stimulus to science, literature, and art. In nearly every town the courts,

rivals in splendour as well as in individual interest, disputed among themselves for the possession of talented men, and the princes held in honour the friendship of a great poet, an artist, or a *savant*.

Lombardy manifested the first popular demonstration towards architecture, but to Tuscany belongs the glory of having produced architects whose names mark the commencement of the Renaissance. Before the end of the thirteenth century Pisa had completed her cathedral, the Baptistery, the Leaning Tower, and the Campo Santo. To the Pisans was especially due the credit of having taught artists to study nature and the *chef d'œuvres* of classic antiquity.

The principal antique statues that adorn in the present day our grand museums had not then been discovered, but there remained a sufficient number of bas-reliefs, sarcophagi, and statues for those artists who desired to study the Greek antique.

Art, like all other sciences, grew step by step into a glowing existence, becoming softer, more refined, more ennobled, as time rolled on. The school of Giotto was numerous, but the disciples, despairing of surpassing the master, contented themselves for the most part to imitate him, until in the early part of the fourteenth century Masaccio teaches a more enlightened style, from which point I should affirm that the High Renaissance period takes its commencement.

It was not my intention to dwell upon the various schools, nor upon the respective qualities of the numerous distinguished names that have been handed down as glorious in the annals of Italian art—each is a subject for a separate Paper,—but rather to sketch out the causes of the art revival, to account for the prodigious chasm that exists between the old art and the new, that separates the glowing period when the grace, simplicity, and calm beauty of the old Greeks influenced the Romans in the Augustan age; from that time in the early history of modern Italy when Niccola in sculpture, and Cimabue in painting, led the van in art that three centuries later produced a Da Vinci, a Michael Angelo, and a Raphael.



As in the olden time the aphorism of Hippocrates, "*Ars longa, vita brevis*," was a true and common saying, so in our modern days we are reminded again that "art is long, and time is fleeting," by the noble Transatlantic poet in his beautiful "Psalm of Life."

I conclude, therefore, by trusting to have made clear how the first germs of the early art revival became developed out of the fearful havoc-heaps to which the barbarians reduced fair and art-loving Italy—how, through the study of nature and the antique, art in the thirteenth and fourteenth centuries grew, step by step, out of the quaint, crude style of the Byzantine Greeks, and cleared the way for the full meridian of its glory, under the patronage of the Popes Leo X., Julius II., and the noble house of the Medici.

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CHRONOLOGICAL TABLE OF THE ITALIAN ARTISTS  
(PAINTERS) FROM CIMABUE TO RAFFAELLE.

Name.	School.	Date.
Cimabue . . . . .	Florentine . . . . .	1240—1302.
Giotto . . . . .	Florentine . . . . .	1276—1336.
Taddi . . . . .	Florentine . . . . .	1300—1365.
Fra Angelico . . . . .	Florentine . . . . .	1387—1455.
Fra Filippo Lippi . . . . .	Florentine . . . . .	1412—1469.
Bellini . . . . .	Venetian . . . . .	1426—1516.
Mantegna . . . . .	Venetian . . . . .	1431—1509.
Perugino . . . . .	Umbrian . . . . .	1446—1524.
Ghirlandajo . . . . .	Florentine . . . . .	1449—1498.
Francia . . . . .	Bolognese . . . . .	1450—1517.
Leonardo da Vinci . . . . .	Florentine . . . . .	1452—1519.
Luini . . . . .	Lombard . . . . .	1460—1536.
Fra Bartolomeo . . . . .	Florentine . . . . .	1469—1517.
Giorgione . . . . .	Venetian . . . . .	1477—1511.
Titian . . . . .	Venetian . . . . .	1477—1576.
Michael Angelo . . . . .	He belongs to no school . . . . .	1474—1564.
Palma Vecchio . . . . .	Venetian . . . . .	1480—1548.

CHRONOLOGICAL TABLE—*continued*.

Name.	School.	Date.
Andrea del Sarto . .	Florentine . . . .	1488—1530.
Raffaelle Sanzio . .	Roman . . . .	1483—1520.

## THE NINE PRINCIPAL SCHOOLS OF ITALY.

Florentine, Umbrian, Roman, Venetian, Lombardic, Ferrarese, Bolognese, Genoese, Neapolitan.

SOME ACCOUNT OF SIR AUDLEY MERVYN, HIS  
MAJESTY'S PRIME SERGEANT AND SPEAKER  
IN THE HOUSE OF COMMONS IN IRELAND,  
FROM 1661 TILL 1666.

BY JOHN P. PRENDERGAST, ESQ.,

BARRISTER-AT-LAW, AND HONORARY FELLOW OF THE ROYAL  
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SIR AUDLEY MERVYN, though of not a very lofty style of character, played no undistinguished part in Ireland in the great era of the war, or rebellion, of 1641.

He was already well known as an able lawyer and an active member of the Irish Parliament at the time of the outbreak. He had been selected by the House of Commons, in the month of March, 1641, to conduct their impeachment of Sir Richard Bolton, Lord Chancellor ; Bramhall, Bishop of Derry ; Sir Gerrard Lowther, Lord Chief Justice of the Common Pleas ; and Sir George Radcliff, Privy Councillor. These were friends and ministers of the Earl of Strafford, then under impeachment by the Commons of England. The proceedings in Ireland were only in aid of the measures of Pym and the other parliamentary leaders in England, and were abandoned after Strafford's fall. Audley Mervyn, then a representative in Parliament for the county of Tyrone, was selected for a kind of eloquence much admired in that day. It was full of far-fetched similes, allusions to Scripture, and physical incidents, and stuffed with quotations taken alternately from the Roman poets and from the law-Latin of Coke upon Littleton.

It was like the language ridiculed by a poet of the time :—

“ A Babylonish dialect,  
Which learned pedants much affect.  
It was a party-coloured dress  
Of patcht and piebald languages.  
T'was English cut on Greek and Latin,  
Like fustian heretofore on satin.



It had an odd promiscuous tone,  
 As if he talked three parts in one,  
 Which made some think, when he did gabble,  
 They heard three labourers of Babel,  
 Or Cerberus himself, pronounce  
 A leash of languages at once."

Audley Mervyn was a captain in that army of 10,000 men raised by Strafford, in 1640, for the invasion of Scotland, in aid of the king's design of marching with his army across the border, when Strafford's forces, landing in Ayrshire, were to take the retreating Scots in flank, and were (to use Strafford's own expression) "to whip them home in their own blood."

The Earl of Ormonde was General-in-Chief, and in the list of the forces furnished to him by Sir Richard Fanshaw, the quarter-master, on 23rd April, 1640, among the captains of Sir Henry Tichbourne's regiment, raised in Ulster, whose colours were "ash colour and redd," appears Audley Mervyn.\*

The king's design failed through the mutiny of his own forces, Strafford's army was dissolved, and Strafford himself arrested and impeached on his arrival in London in November, 1640, and beheaded on the 12th May, 1641. On the 23rd October in the same year the Irish rebellion broke out.

When the Courts of Law and Parliament were closed on account of the civil war, or rebellion, Audley Mervyn became, like others, again a military man, was made a colonel, and governor of Derry.

In 1660 he was made king's sergeant. In the first Parliament after the restoration he was elected speaker of the Commons' House, and in the latter capacity carried up their representations against the proceedings of the Commissioners of the Court of Claims to the Duke of Ormonde, the Lord-Lieutenant, and made a speech that so alarmed the Cromwellian soldiery that they rose in insurrection under the impression induced by this speech, that they were about to

\* A list of the Officers of the Army for my Lord of Ormonde. April the 23rd, 1640. "Carte Papers," vol. i., p. 113.

lose their lands. Colonel Jephson, Colonel Edward Warren, and another, were hanged for this treason. Audley was altogether for himself, and had a shrewd intelligence of what was most for his own interest. He could comply with the times, and be a Royalist, or a Parliamentarian, even a Covenanter, as the pressure of occasion required.

The following particulars of his life may not be without interest :—

Sir Audley Mervyn's names indicate his origin. By the father's side he descended from the Mervyns of Fonthill, in Wiltshire, a seat so well-known in later times as the property of "England's wealthiest son," William Beckford. By his mother's he came from the Touchets, Lords Audley, of Heleigh Castle, in Staffordshire, one of the most ancient of the barons of England. George, Lord Audley, married Lucy, daughter of Sir James Mervyn, and was Sir Audley Mervyn's grandfather. George, Lord Audley, served with his father, Henry, Lord Audley, in the Low Countries. His father commanded 1500 men at the fight before Zutphen, 22nd September, 1586, in which he bore himself so bravely that on October 7th following he was made a knight banneret. His son, George, Lord Audley, after serving in Holland, where he was made governor of Utrecht, served also in France, and thence came to Ireland to serve in the war against Hugh O'Neil, Earl of Tyrone.

The patent (6th September, 1616\*) creating him Baron Audley, of Orier, in the county of Armagh, and Earl of Castlehaven, in the county of Cork, describes him as already celebrated for his bravery and military skill, and as having passed his life from his earliest youth in arms, as well in Holland and France as in Ireland. At the siege of Kinsale, then held by a Spanish force, George, Lord Audley, as is further stated in his patent of nobility, bravely resisting a sally of the Spaniards, was severely wounded, and lost much blood.† These services did not bring him the usual reward in Ireland

\* "Patent Rolls of Chancery, 14 James I."

† See also "Calendar of the Carew MSS. : " Journal of the Siege of Kinsale, 31st October, 1601, vol. iv., p. 184.

of confiscated lands; for the Lords of the Privy Council (June 30th, 1608) recommended him to Sir Arthur Chichester for preferment on account of his forwardness in the king's service, but a backwardness in making suit that had left him unprovided.\* He had already, however, purchased considerable estates in the county of Cork, along the coast of West Carbery, part from Theobald Lord Bourke, of Castle Connell, called the Manor of Rosbrin, with the islands adjacent, formerly the lands of Donald O'Mahony, attainted, and part from Sir John King, consisting of the lands of Glanberigen, otherwise Castlehaven, with other lands and the islands adjacent, formerly belonging to Teige O'Driscoll and Connor O'Driscoll, attainted: and these lands continued to be the estate of the Lords Audley till within twenty-five years ago, at which time they were sold in the Incumbered Estates Court. Lord Audley's modesty, however, was gone in the following year. At this time the plantation of Ulster was on foot, and (10th July, 1609) he *humbly* asked for 100,000 acres in Tyrone or the adjoining parts in Armagh, and undertook to divide them into thirty-three parts, and on each part to build a castle and a town, each town to be inhabited by thirty families, comprising foot soldiers, artificers, and cottagers, with allotments of land to each.†

Sir John Davys, who was his son-in-law, expressed himself to the Earl of Salisbury as "not a little comforted to hear that Lord Audley and his son were likely to *undertake* in so large and frank a manner;" adding, "They do not in this degenerate from their ancestors; for it was an ancestor of Lord Audley's who first undertook to conquer or reduce North Wales, and was one of the first Lord Marchers there. Besides, one out of the same family," he continued, "accompanied Sir John de Cursy in the conquest of Ulster, and planted there; in testimony whereof Audley Castle is yet standing in Lecale,

\* "Calendar of State Papers of James I.," vol. ii.

† Articles propounded by the Lord Audley to the Commissioners for Irish Causes. "Calendar of State Papers (Ireland) of James I.," vol. iii., p. 258.



inherited at this day by one of the same surname."\* Sir Arthur Chichester, however, was not so well pleased, and augured badly of Lord Audley's undertaking. "Reports and letters from England tell us," he writes to Salisbury, 13th October, 1609, "that Lord Audley has a grant from the king of 100,000 acres in Tyrone, which is more than the whole county is found by the Book of Survey. He is an ancient nobleman," he continues, "and apt to undertake much ; but his manner of life in Munster, and the small cost he has bestowed to make his house fit for him, or any room within the same, does not promise the building of substantial castles, nor a convenient plantation for himself ; and he loves not hospitality. Such an one will be unwelcome to that people, and will soon make him contemptible ; and if the natives be not better provided for than he (Chichester) has yet heard of (in the projected plantation), he doubts that they will kindle many a fire in his buildings before they be half finished."†

But though Chichester's opposition seems to have stopped this enormous grant, Lord Audley obtained a larger share than most other undertakers in the plantation of Ulster, if we except Chichester himself, who got the whole barony of Inishowen. By patent, dated 12th March, 1612, the king granted to George, Lord Audley, and Elizabeth, his wife, 2,000 acres in the barony of Omagh, in the county of Tyrone, besides another 1,000 acres in the same county, the lands in Omagh being erected at Lord Audley's request into the manor of Stowbridge, those in Tyrone into the manor of Heleigh. By the same patent a grant was made to Sir Mervyn Touchet of 2,000 acres in Tyrone called the great proportion of the Brad (or Broad) in the barony of Omagh, and was made the manor of Stowy ; and it contains another grant to Sir Ferdinando Touchet of the great proportion of Fintona, in the barony of Omagh, created into the manor of Touchet (Sir Mervyn and Sir Ferdinando being the sons of Lord Audley), and another grant of 1,000 acres, called the proportion of

\* "Calendar of State Papers of James I. (Ireland)," vol. iii., p. 256.

† "Calendar of State Papers of James I. (Ireland)," vol. iii., p. 299.

Edergould, and the proportion of Carunvrackan, 200 acres to Edward Blount, erected into the manor of Harleston (Edward Blount being his son-in-law), and these grants would seem to have been taken in trust for Lord Audley ; for they all came to his eldest son, Sir Mervyn Touchet, afterwards Lord Audley, and were by him sold (except the lands in Tyrone and Armagh which had been granted by the king to George, Lord Audley and, Elizabeth, his wife, and so passed on her husband's death to her) to Sir Henry Mervyn, father of Sir Audley Mervyn. He was Sir Mervyn Touchet's brother-in-law, Sir Henry having married Mervyn, Lord Audley's sister, Christian Touchet. The lands Lord Audley had purchased along the coast of Cork, where he had built himself so sorry a castle and lived so meanly, according to Sir Arthur Chichester's view, he gave up to his son, Sir Henry Mervyn Touchet, just about the time he intended to become a planter in Ulster. By deed, dated 1st January, 1611, George, Lord Audley, in consideration of a rent-charge of £500 a year to himself and £100 a year to his second son, Sir Ferdinando Touchet, assigned to Sir Mervyn Touchet, his son and heir-apparent, his whole estate in Ireland to him and his heirs for ever, together with all his stock of cattle and corn. But this conveyance only concerned the Cork lands, for he had not yet obtained the grant of Ulster lands, which is dated 12th March, 1612, so that the Cork lands only could have passed. And that it was in view of his removal to Ulster appears probable, not only from his reserving all his utensils and household stuff, his coach and all harness and furniture for horses, but also all muskets and calivers, powder, arms, and all other ammunition, as this latter kind of furniture was still more necessary than the former in Ulster, and was also required of the undertakers among other conditions of the plantation.\*

In 1617 George, Lord Audley and Castlehaven, died,† and was succeeded by his eldest son and heir, Sir Mervyn Touchet.

\* "Patent Rolls of Chancery of the reign of James I.," p. 195, where an abstract of this deed is given.

† Lodge's "Peerage of England." vol. vi., p. 54.

On his father's death Sir Mervyn seems to have abandoned all wish to plant in Ulster, and sold the large grants that came to him in that province to his brother-in-law, Sir Henry Mervyn; and Sir Henry, in 1626, gave these to James Mervyn, his eldest son who, dying without issue, they came to his (James's) only brother, Sir Audley Mervyn.

From Sir Henry Mervyn's deed of gift it appears that all the Ulster lands, except those two mansions in Tyrone and Armagh, which passed to Elizabeth, Lady Audley and Castlehaven by force of King James I.'s grant of them to her husband, came to Sir Mervyn Touchet, notwithstanding the grant of two others of them to Sir Ferdinando, his brother, and Edward Blount, his brother-in-law.

By this deed, which bears date 29th August, 1626, Sir Henry Mervyn and the Lady Christian, his wife, convey to James Mervyn, and son, heir-apparent of the said Sir Henry, these four several proportions of Fintona, Edergould, the Broad, and Carunvrackan, which lately before were by Mervyn, Lord Audley, Earl of Castlehaven, conveyed to Sir Henry and his wife, and shortly before had been made three several lordships and manors, called Stowy, Touchet, and Arleston, as by patent (adds this deed) under the great seal, dated at Dublin, 12th March, 1611, appears.\* In 1630 Captain James Mervyn had the lands confirmed to him, and erected into three manors, to be called 'Stoy, Tuchet, and Arleston,' with a fair and market at Trelick, in the manor of Stoy; the like at the town of Tuchet, in the manor of Touchet; and the like at the town of Omagh, in the manor of Arleston.†

In 1640, James Mervyn, who was a captain in the Royal Navy, was alive, for in that year he signed the funeral certificate of his wife,‡ but he probably died about the same time, for on the 27th October, 1641, his brother, Audley Mervyn, was dwelling at Trelick, as appears in his account of the interview that took place there between him and Rory Maguire,

\* Morrin's "Patent Rolls of Chancery," 7th of Charles I., p. 577.

† *Id. ibid.*

‡ Funeral Entries, Ulster's Office, Dublin Castle.



his brother-in-law, brother of Connor, Lord Maguire, one of the principal contrivers of the rebellion, and afterwards tried and executed for it in London;—for Audley Mervyn was curiously connected by marriage or kinsmanship with the two conflicting sides in Ireland. His mother's sister, Eleanor Touchet, was married to Sir John Davys, so long Attorney-General of Ireland, who, consequently, was his uncle. She was that strange lady who fancied herself endued with the gift of prophecy, because she found in the letters that made up her name, "Eleanor Davys," the words "Reveals O Daniel," and could not be quieted till some one observed that they could equally be made into "Never so mad a lady." James, eldest son of Mervyn, Lord Audley, Earl of Castlehaven, Audley Mervyn's uncle, was a general and commander of the Irish cavalry under the confederate Catholics throughout the war of 1641. This English nobleman and leader in the Irish army was, therefore, a cousin of Sir Audley Mervyn's.

Dorothy Touchet, sister of James, Lord Audley and Castlehaven, another cousin, was married to Edmund Viscount Mountgarret, whose father was general-in-chief of the confederate Catholics in Munster, and was himself a most active soldier in the war of 1641. Frances Touchet, Dorothy's sister, was wife of Colonel Richard Butler, of Kilcash, in Tipperary, brother of the Duke of Ormonde, also engaged in the service of the confederates in the same war. She was transplanted to Connaught, but her husband, who was excepted from pardon of life or estate by the Parliament (as was also Edmund, Viscount Mountgarret), escaped to France. Audley Mervyn's own sister, Dorothy, was married to Rory Maguire, one of the rebels of 1641, whose brother, Connor, Lord Maguire, was executed for his share in the rebellion.

Audley Mervyn, as already mentioned, sat in the Parliament of 1640 as representative for Tyrone. In the journals of the House he appears active on committees. He was a man too careful of his own interests to oppose Strafford's tyranny while that tyrant was strong; but when the leaders of the Commons House in England, in 1641, were preparing to

impeach Strafford, and had him fast bound in prison, they suggested to their friends in Ireland that then was the time to expose his arbitrary rule in that kingdom, for thus they would aid their design of bringing his head to the block.

They had already resolved to make his arbitrary proceedings in Ireland part of their impeachment ; but they wished the public to be possessed of the chief features of his tyranny in Ireland in anticipation of his trial. It was determined, therefore, to impeach Strafford's principal friends and supporters in Ireland for their acts as his ministers, and thus to exhibit their master's tyranny. Audley Mervyn was appointed by the Commons House of Ireland to carry up and enforce their impeachment of Sir Richard Bolton, the Chancellor, of Bramhall, Bishop of Derry, Sir Gerrard Lowther, Chief Justice of the Common Pleas, and Sir George Radcliffe, a Privy Councillor, before the House of Peers. They impeached them of high treason ; firstly, for conspiring to subvert the fundamental laws and government of that kingdom, in pursuance of which they had exercised a tyrannical and arbitrary government against law, by the contrivance and assistance of Thomas, Earl of Strafford, then chief governor of the kingdom. Secondly, for having assumed to themselves regal power over the goods, persons, lands, and liberties of his Majesty's subjects of that realm, and had pronounced many false and unjust sentences and decrees in an extra-judicial manner, whereby seditions had been raised, and many thousands of his majesty's lieges had been ruined in their goods, lands, liberties, and lives, and many of them being of good quality and reputation, had been utterly defamed by pillory, mutilation of members, and other infamous punishments. Thirdly, they had laboured to subvert the rights of Parliament, and all these things were done while they were privy councillors and against their oaths.

This impeachment was entrusted to Sir Audley Mervyn, and the following was his speech :—

“ I am commanded by the Commons to present unto you Ireland's tragedy,—the grey-headed common law's funeral—

and the active statutes, death and obsequies. This dejected spectacle answers but the prefiguring type of Cæsar's murder, wounded to death in the senate by Brutus, his bosom friend, I mean in the courts of justice; and by Brutus, too, I mean by those persons that have received their beings and subsistence from those laws. So that here enters first those inseparable twins—Treason and Ingratitude.

“What, then, was the first and main question? It was the subversion of the fundamental laws of the kingdom.

“Let, then, Magna Charta, that lies prostrated, besmeared, and rolling in her own gore, discount her wounds as so many undeniable proofs.

“Though Magna Charta be so sacred for antiquity, it only survives in the rolls, but is rent and torn in practice.

“These words, ‘*Nullus liber hujus regni ejicietur e libero tenemento suo in prejudicium parium*,’ live in the rolls: but they are dead where property and freehold are determined upon paper petitions.

“These words ‘*Nulli vendemus, nulli differemus justitiam*,’—to none will we sell, to none will we delay, justice,—live in the rolls; but they are dead when the suits, judgments, and execution of the subject are wittingly and illegally suspended, retarded, and avoided.

“Shall we desire to search the mortal wounds inflicted upon the statute laws? Who sees them not, lying in their death-bed, stabbed with proclamations, their primitive and genuine tenours escheated by Acts of State and strangled by monopolies.

“Will you survey the liberties of the subject? Every prison spues out illegal attachments and commitments; every pillory is dyed with the forced blood of the subject, and *hath ears*, though not to hear, yet to prove as witnesses this complaint.

“This kingdom, personated in the sable habit of a widow with dishevelled hair, seems to petition your lordships that since she is a mother to most of us, yet certainly a nurse unto us all, that you would make some order for redress of her tyrannical oppression.



"The most vehement and traitorous encounter of Satan is lively deciphered in the true example of Job; where first I observe the dismologie. He overthrows not Job's Magna Charta; he dis-seizes him not of his inheritance, nor dispossesses him of his leases; but only disrobes him of some part of his personal estate. When he proceeds to infringe Job's liberty he doth not pillory him, nor cut off his ears, nor bore him through the tongue; he only spots him with some ulcers. Here Satan stains whenthesepersons by their traitorous combinations envy the very blood that runs unspilt in our veins, and by obtruding bloody Acts, damned in the last Parliament, will give Satan "Size ace" and the dice at Irish in intrhalling the lives of the subjects by their arbitrary judicature."\*

Within six months after this speech the great Irish war, or rebellion, broke out. Audley Mervyn was at this time in possession of the late Audley estate at Trelick, in the county of Tyrone, and he gives a very graphic account of his interview with his brother-in-law, Rory Maguire, one of the leaders in that rebellion. It is to be found in an examination or deposition Captain Audley Mervyn gave to a Select Committee of the House of Commons on the 6th July, 1643, at which period the parliamentary leaders were endeavouring to possess the minds of men with the notion that the rebellion of Ireland was promoted by the king and his friends in aid of their alleged designs to subject the kingdom of England to the king's despotic rule.

In this deposition Colonel Audley Mervyn says, that about the 27th October, 1641 (that was just four days after the outbreak), "Rory Maguire, brother of the Lord Maguire, came to Castle Trelick, in the county of Tyrone, being his (Colonel Audley Mervyn's) house, and amongst other discourses

\* "A Speech made by Captain Audley Mervyn to the Upper House of Parliament in Ireland, March, 4, 1640—1. Together with Articles of High Treason against Sir Richard Bolton, Lord Chancellor; John Lord, Bishop of Derry; Sir Gerrard Lowther, Lord Chief Justice of the Common Pleas, and Sir George Radcliff, Knt." 4to. Printed A.D., 1641.

told him it was resolved to employ him (Colonel Audley Mervyn) in England to represent unto his majesty upon what grounds they (the Irish) had taken up arms, and what desires being granted they would lay them down."

"The reasons Rory Maguire gave," adds Colonel Mervyn, "for the present were, that the Parliament of England was fully bent to the extirpation of the Catholic religion, as was apparent in the execution of some of their priests, and that they invaded the king's prerogative, in which their greatest security reposed." Audley Mervyn then details their conversation, and the arguments they each used. Rory Maguire was about to depart, promising to bring the heads of their petition to him when he came next, when Colonel Mervyn says he called him aside, and advised him, "in respect the said Rory Maguire had married his sister, and by her got £900 per annum inheritance," to desist, and that if he did he would try to procure his pardon; but, anyhow, he hoped he would issue a proclamation to repress the fury of the rebels, which accordingly he did. And Colonel Mervyn gave notice to the Protestants about him to dispose of themselves towards Derry, and that he would adventure himself the last man.

"And so, by the blessing of God," he adds, "many were saved, and himself, his wife, two sisters, and children, escaped in the night, saving nothing but their lives." Colonel Mervyn then details a discussion he had with Rory Maguire about the impossibility of the final triumph even if they had temporary success; because the English and Scots would avenge the loss of their kinsmen in Ireland. "I remember well his reply," says Colonel Mervyn: "'Come, come, brother, deceive not yourself,'" said he, "'in being too wise. All Ireland is at this instant in our hands. I will show you all the places of strength—to what person their surprisal is assigned. This great undertaking was never the act of one or two giddy fellows:—we have our party in England, we have our party in Scotland, that shall keep them busy from sending you aid. I can assure you it is well if they can save themselves, and

before you can get thither you will find them, if they be not so already, as deep in blood as ourselves.' He further added, 'continues Colonel Mervyn, "'If you will resolve to go (with the remonstrance), I will come within three or four days, and then you shall know all. If you will not, I will convey you and yours safe to the next port, and see you embarked—provided you swear never to come over to fight against us.' But I," says Audley Mervyn, "fearing this was to sound me, and that so many lives depended upon my demeanour, replied, 'Bring your heads,—the sooner the better,' but unwilling to trust to any further courtesies, escaped before his return."\*

Colonel Audley Mervyn, driven from his home at Trelick, took up his residence at Derry. In 1643 the successes of the Royalists against the Parliament in England induced the Parliament to call in the aid of the Scots a second time. This was only given on the engagement of the Parliament by treaty that they would enforce the taking of the Covenant in England, and would establish there the Presbyterian form of worship. By the Covenant they were "to preserve the reformed religion of the Church of Scotland, and to promote the reformation of religion in England according to the Word of God and the example of the best reformed churches, and to bring the churches of God in the three kingdoms to uniformity of church government, and (without respect of persons) to endeavour the extirpation of popery and prelacy."

In 1644 the Scots sent over missionaries to Ulster to preach up the Covenant to the English forces, and thus to detach them from the king's cause, which was the cause of prelacy. These men preached up the Covenant in all places to be as necessary to salvation as the Sacrament of the Lord's Supper,

\* "The examination of Colonel Audley Mervyn, given on the 5th day of July, 1642, unto a Select Committee of the House of Commons, and attested under his hand." A collection of all the Public Orders, &c., of both Houses of Parliament from 9th March, 1642, till December, 1646. Folio. London: Edward Husband, Printer to the House of Commons, A.D., 1646.



and would allow this to be given to no man who refused the other.\*

Colonel Mervyn had been made governor of Derry by Ormonde, confiding in his loyalty, and considering him a man of a voluble tongue and capable of doing service. He relied upon him for resisting the imposition of the Covenant. The town, however, was full of factions and seditious persons, who had on former occasions torn the Book of Common Prayer and thrown libels about the streets, and threatened anybody who should dare to use it; so that the mayor, when he went to church, was forced to take a strong guard of English soldiers of his own company and plant them about the reader's desk, to secure himself from being insulted and the book from being torn.† Colonel Mervyn, after some opposition, though he had declaimed more in Parliament against the Covenant than any one else, soon after took it. He could not otherwise enjoy his government, or be able to subsist (as he wrote to the Marquis of Ormonde), and said he was "convinced that those who took it had really good intentions to the honour and happiness of the king."‡ "He might, if he had been a Roman Catholic, have said as much for the Oath of Association," said Ormonde. The truth was, that he resolved always to comply with the times to suit his own interests. Consequently, he was amongst the first to worship at the rising sun of the Restoration; and the first House of Commons in Ireland after the Restoration—composed altogether from Cromwellians—knowing his dexterity, elected him their Speaker, on which occasion he made a characteristic speech, on being presented to the three Lords Justices, Sir Maurice Eustace, the Earl of Orrery, and the Earl of Mountrath, as the choice of the Commons, in which he had not the slightest compunction to denounce the Presbyterian regimen which he had so lately adopted by taking the Covenant, and to preach

\* Carte's "Life of Ormonde," vol. iii., p. 32. New edition, 8vo., Oxford, 1851.

† *Id. ibid.*

‡ *Id. ibid.*

up prelatial episcopacy, which he had then coupled with popery, and as fit to be extirpated. He reminded the House of Peers of the saying, "No bishop, no king."

The following are some extracts from Sir Audley's speech on this occasion :—

"Most Great and Honourable Lords,—“The Commons passing by many persons of signal abilities and long experience, have fixed their eye of favour and affection upon me, the meanest member of that assembly. They know, however (such is the prudence and circumspection of that House), that they can suffer no prejudice by the disabilities of any one person serving and observing their commands.

"Thus have I seen a tender parent placing one of his little ones before him in the saddle, and seemingly entrusting the reins in his hands, when secretly the command rested in his own. Upon my election I offered my aid-prayer that no further proceedings should be herein—*Rege inconsulto*—and then blushing led them into such recesses where my ambushed infirmities had so long secured themselves (though without drawing of the curtains, the scene of my errors was too visible). Wherefore, most honourable lords, with confidence equal to my humility, I beg your lordships to give me a *supersedeas* and discharge from a burthen disproportionate to my strength. Give me leave to put off Saul's armour before you, and lay your commands upon the Commons to improve their second inquiry among themselves (there is many a Saul, taller by a head and shoulders than myself, hidden among such stuff), and to present a person upon whose very appearance in this place your lordships may warrantably conclude, 'This is the man whom the House of Commons delighteth to honour!'"

(Here the Lord Primate of Ireland, Speaker of the House of Lords, declared in a sharp and pithy speech, the Lords Justices' approbation of the speaker, who then proceeded) :—

"Most Great and Honourable Lords,—I find my aid-prayer overruled, and a *procedendo* issued. I crave leave to chide myself: I only considered *Terminus ad quem* when I ap-

pealed to Cæsar, and reflected not upon *Terminus à quo*, the House of Commons.

“Here I might wind up, but give me leave to recollect myself. Can I be in this mount of transfiguration and not say, Let us build three tabernacles, and put on this inscription, “*Bonum est esse hic?*” Your lordships being three persons of honour, yet making up the representation of one, and that the best of monarchs. Let no man be offended that I call it a mount of transfiguration. Have we not these many years been walking through a wilderness without a Moses, without an Aaron? Hath not the Parliament of this kingdom been carried into captivity, and our senators that should be, become peripatetics and pilgrims to titulary conventions? And is not this place now a mount of transfiguration? Where were those regalia we now behold? That robe of majesty before your lordships was the garment for which they cast lots: that sword, of which it may be said, ‘*Non est alter talis,*’ whose point was steeled, whose edge was sharpened by a heavenly sanction, was transformed into a bloody axe to behead three kingdoms at one stroke. That single cap of maintenance could never fit that *bellua multorum capitum*.

“Draw near, you House of Commons; behold a king! Do you not yet see him? Why then feel him? What say your lives? Do they not feel the influence of his mercy? Hath not every chest a pardon, as well as a patent, in keeping? What say your estates? Do not they feel him? Have not the greatest part of your estates in this kingdom felt his power of creation, raising up estates out of nothing?” \*

Sir Audley Mervyn was entrusted by the Cromwellian officers with their interests in the discussions in London that preceded the issuing of the king’s declaration of 30th Novem-

\* “A speech made by Sir Audley Mervyn, the 11th day of May, 1661, in the House of Lords, when he was presented Speaker by the Commons before Sir Maurice Eustace, Lord Chancellor of Ireland, Roger, Earl of Orrery, and Charles, Earl of Mounteath, his Majesty’s Lords Justices of Ireland.” Ordered by the House to be printed. 4to. William Bladen: A.D. 1661.



ber, 1660, for the settlement of Ireland ; and he took good care not only of them, but of himself ; for he was named one of the thirty-six commissioners for executing this declaration, and contrived to get a king's letter under Privy Seal (February 27th, 1661). Each commissioner was to be provided with a forfeited house in Dublin, the better to execute the commission, and they were to have each as much land in the baronies of Coolock and Balrothery, in the county of Dublin (being the choicest situation in the kingdom) as they should chance to have to yield up of their Cromwellian lots to any of the king's friends, and thus get as good as they gave up.\* As these commissioners were all interested in the Cromwellian settlement, being all possessed of lots given them by Cromwell, the Irish protested against them, and prayed the king to revoke their commission and appoint others, because, being parties, they ought not to be judges.† It was in vain to hope for relief from this tribunal. Francis, Lord Aungier, himself one of the commissioners, writes to Ormonde that "self-interest and partiality, not justice, is the rule for judging there," and wishes that some other judges, who were not parties, might determine causes. "For (says Lord Aungier) Sir Audley Mervyn, who always gives the rule in this Court, is the most partial judge on earth."‡ During their time of office they did not scruple to become purchasers of debenture lands, though the title to those lands were to be tried before themselves. Lord Ormonde speaks of these transactions as "their odd kind of purchases." In some "good information concerning the Court of Claims" (endorsed in Ormonde's hand,—"Lands purchased by commissioners for executing the declaration") Sir Audley Mervyn, it is stated, "hath purchased of adventurers, and taken for the securing of the titles of others, above £2,500 per annum ; some in Mr. Rowley's name, and some in the names of

\* "Carte Papers," vol. xli., p. 360.

† Presented to the King in Council, 19th July, 1661. Collections relating to the Act of Settlement. Record Tower, Dublin Castle, vol. viii.

‡ Letter dated 27th April, 1661. "Carte Papers," vol. xxxi. p. 95.

persons, nobody knows who, but are pretended to be in England." \*

These commissioners were at length superseded, when their partiality and corruption had discredited the declaration itself,† and five new commissioners—men of unquestionable reputation for their religion, integrity, and abilities,‡ were appointed for executing the Act of Settlement. No sooner, however, did they proceed to give judgments of innocency to some Roman Catholic claimants than they were called "enemies of the English interest," and styled, in derision and contempt, "McRainsford, O'Beverley, McChurchill, and O'Broderick." §

Rainsford, Beverley, Churchill, and Broderick were the names of the commissioners thus travestied. A few passages from the papers of the period may convey more insight into the state of the planters' dispositions than a long disquisition. They were all discontented at having lost some or all of their lands to Innocents, or through having yielded them up to the old proprietors, on the king's letters under Privy Seal; for many of the Irish who had been serving under the king's ensigns in France or Spain, or had shared his friendship and misfortunes in exile, got letters of restitution, and these the Cromwellians did not at first dare to disobey. The following is from an intercepted letter of a Cromwellian soldier—a Scot—who had his allotment in Tipperary. His daughter was about to marry, or perhaps had married, and he found himself unable to provide her with the portion he had promised :—

"Here we are (he writes to his friend in Scotland) in a *starveing* condition. There is manie of the English here that lose their estates daylie, and I, among the rest, have lost

\* "Carte Papers," vol. xlv., p. 354.

† King's Letter, under Privy Seal. "Carte Papers," vol. xliii.

‡ *Ibid.*

§ "Treatise, or Account of the War or Rebellion of Ireland since 1641," styled, by Carte, "Plunket's History" sec. 746. "Carte Papers," vol. lxiv., pp. 418-431.

a good share of myne, and the rest upon a tryal within this month, which doth very much disenable me in every particular, and specially in that wherein I was most bound to doe for my daughter Barbara. When you see them, be pleased to tell them so much. Your affectionate cozin to serve you.”—John Campbell, from Tullaghmaine, to his honoured cozin, Dougal Campbell, of Inderath.\*

He was unable to provide a portion for Barbara ! If they were told that they must wait for reprisals, they still continued desperate, as they “looked upon reprisals as a mere whim.”† The House of Commons, composed altogether of Cromwellians, shared in the common discontent of that interest, and after several hot debates framed a set of resolutions reflecting upon the Court of Claims, and resolved that these resolutions should be presented to the Duke of Ormonde, Lord Lieutenant, by the Speaker, accompanied by the House.

The following passages from Sir Audley’s speech on the 11th of May, 1663, in the Presence Chamber, Dublin Castle, before the Lord Lieutenant, may serve to give some notion of his oratory on this occasion, when he that had been reflected on for his gross and open partiality, attacked men of integrity with ridicule and invective.

“May it please your Grace,—This solemnity of the House attending your Grace may carry the signification of a hand in the margent, to point out something more than of ordinary observation. This is with us as a sheet anchor, which is never made ready but when we discern a cloud. This makes this address of that importance that the House have not thought fit to entrust it to the bare expressions of a Speaker (had he been of the greatest abilities), therefore they have committed it to this instrument (their resolution) that it might remain as a record of their endeavours, that the hard fate and ruin of an ‘English interest’ might not bear date under the best of kings, under so vigilant a Lord Lieutenant, under the

\* “Carte Papers,” vol. xxxii., p. 259.

† Boyle, Bishop of Cork, to Ormonde, 29th May, 1663. “Carte Papers,” vol. xxxii., p. 296.



first (and if not prevented, likely to be the last) Protestant Parliament that ever sat in this kingdom.

"There is a time to speak, and a time to hold our peace. This, then, is the critical time when the established religion is in danger to be undermined by casting the predominancy of temper upon a popish interest.

"His Majesty hath called us by his writ to no other end but to offer up our humble advice, *Ne quid detrimenti respublica capiat*, that the state may receive no harm.

"And if ever the advice of subjects may be serviceable to their prince, this is the time when this poor, miserable, unfortunate kingdom, fruitful by the blood of English, and placed as a greedy grave to bury their treasure in from age to age, is upon its new model. It is now in its mintage, and our care must be that the mitre be not stamped instead of the crown.

"It is not long since the sale of this kingdom was offered to the mitre, as His Majesty's interest was prostituted to every Roman Catholic power, so that it may be said of Ireland as Jugurtha said of Rome,—'*Venalem Hibernian, mox perituram, si modo emptorem invenerit.*'\*

"Did I say His Majesty called us? May His Majesty's days be long and prosperous; were we weltering in our blood we must hold water while he washes his hands in innocency. It is in the body politic as in the natural; the brawny and fleshy members can admit a discontinuity of parts, though not without pain, yet without danger. But the apple of the eye is so tender that the least dust is offensive to it. We enjoy the benefit of many good and wholesome laws. But the Act of Settlement is the law of laws; it is the Magna Charta Hiberniæ. This is the apple of the eye, and must be printed with this motto, '*Nemo me impune lacessit*,'—'No one touches me without danger.' Our strength lies in this as Sampson's in his locks. If these be cut we are as weak as others, when the Philistines shall fall upon us.

\* An allusion to the attempts of the Irish to obtain the aid of the Pope, and then that of France, and afterwards that of the Duke of Lorraine.

“Your Grace well remembers the struggling twins\* in the womb of this Act. Never prince sat upon the throne endured so many pangs and throes to give his Protestant subjects a birth and life as Charles the Second did. And we shall never forget the fainting expectations of the people for this birth of Ireland, when everyone’s soul looked out at the casement of his eyes, as Sisera’s mother, with a ‘Why are the wheels of his chariot so long in coming?’ But now, sir, with as great a sorrow, we behold the driving of the chariot to be like the driving of Jehu, the son of Nimshi, that drove so furiously.

“We come not this day to reflect on the commissioners for executing the Act : but I shall never forget the words of His Majesty in a full Council. “My justice,” said he, “I must afford to you all : but my favour must be placed on my Protestant subjects,” and in sending over those commissioners that were of our own country and religion, His Majesty warrantably judged that if difference were between Israelite and Egyptian, Moses would lean to the Israelite.

“Upon the whole the knights, citizens, and burgesses have judged that without some speedy instructions be given to those gentlemen, the lands forfeited for rebellion and freely granted by His Majesty to the English (to improve and enrich which, they have beggared themselves) will be taken out of their possession, and themselves, wives, and children, exposed to mockery and misery ; and actual rebels, that yet survive, or the heirs and blood of those that died active in that rebellion be restored to the same.”

Among other rules suggested for the guidance of the Court of the Commissioners was one, that the title deeds of all who failed in their claim of innocence should be retained in Court, there to be impounded for ever. Upon this rule the following are Sir Audley’s observations :—

“As to that part that desires the writings of innocent persons to be left in Court, it cannot work a prejudice to them ; for the lands being adjudged against them, to what purpose

\* An allusion to the two interests, the English and the Irish, that produced such long debates before the king in council at Whitehall.

will the writings operate in their hands? But, Sir, I correct myself. They *will* have an operation. And this puts me in mind of a plain but apt similitude. Sir, in the north of Ireland the Irish have a custom in the winter, when milk is scarce, to kill the calf and reserve the skin; and, stuffing it with straw they set it upon four wooden feet, which they call a "Puckan," and the cow will be as fond of this as she was of the living calf. She will low over it, and lick it, and give her milk down, so it stand but by her. Sir, these writings will have the operation of this "Puckan;" for, wanting the lands to which they relate, they are but skins stuffed with straw. Yet, Sir, they will low after them, lick them over and over in their thoughts, and teach their children to read by them instead of horn-books; and if any venom be left, they will give it down upon the sight of these Puckan writings, and entail a memory of revenge though the estate tail be cut off."\*

This was familiarly known as the Speaker's Puckan Speech from the image used by Sir Audley Mervyn; of which it was remarked by some one to Lord Ormonde, "If the Speaker's 'Puckan' may give that satisfaction which is supposed, why should not the disconsolate proprietor have that poor relic of comfort left him, instead of his lands, to refresh himself withal"?† But if this speech was insulting and offensive to the Irish, it conveyed to the English the presage of the loss of their lands. It was idle to argue with them about the justice of the commissioners' judgment. "What your Grace remarks," says Michael Boyle, Bishop of Cork, to Ormonde, "is very true; but innocency or nocency is not their concern; but their possessions is what they look to; and to be ousted of them by others, by right or otherwise is of the same considera-

\* "The Speech of Sir Audley Mervyn, Knight, His Majesty's Prime Serjeant-at-Law and Speaker of the House of Commons in Ireland, delivered to His Grace the Duke of Ormonde, Lord Lieutenant of Ireland, the 13th day of February, 1662, in the Presence Chamber in the Castle of Dublin." Dublin: Printed for William Bladen, 1663, 4to. 39 pp. Ordered by the House of Commons to be printed.

† "Carte Papers," vol. xxxii., p. 322.



tion. And this is proved by nothing more than that they do not charge the commissioners with particulars, but generals.”\*

The Cromwellian soldiery, incited by the notorious Colonel Blood, and headed by Colonel Jephson, Colonel Edward Warren (who feared to lose Dangan, in the county of Meath near Trim, which had been confiscated from Valerian Wesley, the Duke of Wellington’s ancestor), and others, had arranged a rising, but were betrayed, and the plot failed. Amongst the information given to Lord Ormonde of the temper of the conspirators, the following was sworn concerning Colonel Jephson :—“About the Easter previous (1662), Alexander Jephson, talking at his own table to his wife, how that the Irish lads were restored to their estates, told her, ‘Sweetheart, it will not be long ere I be in the necks of the rogues once more.’ ”†

On the 19th of May following (1663), passing through Lucan on his way to Dublin to head the conspirators, Colonel Jephson paid a visit to Colonel Sir Theophilus Jones. They were old fellow-soldiers under Cromwell. “Being entered in the hall,” says Sir Theophilus Jones, in his deposition “he espied some preparations for dinner, and said, ‘I cannot dine with you, but if you and I may go into some room I have something to say to you.’ On which,” says Sir Theophilus, “I led him into the buttery, being the room next at hand, calling for a tankard of ale and a bottle of cider, with a dish of meat for him. And while these things were in preparing, he said to me, ‘I know you love the English!’ and thereupon, laying his hand on a large sword which he then had by his side, he said that he had not worn that sword for thirteen years before, and that he had made his will, and left his wife and thirteen children behind him, and was then going to Dublin, where he said that he and many more were resolved to venture their lives, and that before 7,000 years were over”—this was his expression, said Sir Theophilus—“they doubted not to secure the English interest, which was now on ruining, and that they were

\* “Carte Papers,” vol. xxxii., p. 322.

† *Ibid.*, p. 389.

assured of the castle of Dublin, and of Cork, Limerick, Waterford, and Clonmel.”\*

In the following manifesto, intended by the Cromwellians to be issued on their taking of the castle of Dublin, they do not fail to reckon the Speaker’s speech, and the sanction of it by the House of Commons as among the strongest incitements to overthrow the Government. This document was seized by the Duke, and was never allowed to see the light.

“ We had long expected (says this declaration of the conspirators) the securing to us of our lives, liberties, and properties as but a reasonable recompense of that industry and diligence exercised by the Protestants of this kingdom in the restoring of His Majesty to the exercise of his royal authority in the three kingdoms ; instead of which, we find ourselves, our wives, and little ones, with our estates, delivered up as a prey unto those barbarous and bloody murtherers (whose inhuman cruelty is registered in the blood of 150,000 Protestants at the beginning of the rebellion in this kingdom), which doth appear by these ensuing sad and infallible symptoms, viz., that His Majesty hath suffered himself so far to be seduced by evil counsellors, that even those aforesaid bloody Papists that were the leaders of the people into that barbarous massacre were the first that tasted of his real clemency, in having their justly forfeited estates at his first coming in, by paper orders, taken from the Protestants illegally, and conferred upon them (the Papists) ; and those that had them not, received salaries (pensions) out of the exchequer until they were restored, although the poor suffering Protestants despoiled by them never had any recompense for their losses. Secondly, that the Lord Lieutenant to whose protection we are committed, doth not only execute the same practices, but hath owned his keeping of an intimate correspondence with several of the

\* “A narrative of what passed in discourse between Alexander Jephson, of Trim, in the county of Meath, and Sir Theophilus Jones at Lucan, on Thursday, May 19th, 1663, whereof I, Sir Theophilus Jones, gave an account to Sir George Lane for the Duke of Ormonde, Lord Lieutenant of Ireland, on Wednesday, May 20th, 1663.” MS. Trin. Coll. Dub.

said murderers during their hostility, as appears by his certificates in their behalf to the Court of Claims ; *to which may be added the House of Commons of this kingdom's apprehensions declared in the Speaker's speech to the Duke.* By all which circumstances we may undoubtedly (as David did) conclude that evil is determined against us ; and before it is executed (when it would be too late), we are resolved to use our utmost endeavours for our self-preservation, and like the people with Saul when he intended to requite the incomparable deserts of Jonathan with death, to stand up and say, 'As the Lord liveth Jonathan shall not die.' And to the end that no well-minded Protestants in the three kingdoms be discouraged to stand by us in this our just quarrel, we do declare we will stand for that liberty of conscience proper to every one as a Christian, for the establishing of the Protestant religion in purity according to the solemn league and covenant, the restoring each man to their lands as they held them in the year 1659, the discharging the army arrears, and repairing those breaches made in the liberties and privileges of the Corporations in these three kingdoms. In all which we doubt not but the Lord of Hosts, the mighty God of Jacob, will strengthen our weak hands."\*

The Duke of Ormonde was of the belief that Sir Audley Mervyn was engaged in the conspiracy, but Audley was too cunning and too careless of the public interest to venture on such a career. On the approach of the trial of Colonel Alexander Jephson and Colonel Edward Warren, Sir Alan Broderick, on 6th January, 1664, wrote thus to Lord Clarendon :—

"Six of the conspirators will be tried within these fourteen days and executed ; we all bewail Shapcoot is not among the number, nor are there yet sufficient proofs against Massareen and the Speaker, though his Grace knows, by in-

\* A paper endorsed "Heads of a declaration intended to be set forth after the surprise of the Castle. Recd. the 11th Dec., 1669." "This is a true copy of the original remaining in my custody. W. Domville, 3rd December, 1669." "Carte Papers," vol. xxxvii., p. 64.



dubitable circumstances, they were both privy to the conspiracy, and doubts not to find sufficient proof ere long, to the condemnation of Shapcoot, and the exclusion (at least) of the other two from the benefit of the Act of Settlement.”\*

The Commons further shewed their temper by throwing out the heads of a Bill ignominiously which had been sent from the king in Council for extending the time of hearing claims.

The king accordingly, at Ormonde’s suggestion, wrote a letter complaining of the insult of throwing out a Bill without as much as being admitted to a second reading, and that some (to whom we have been but too gracious) had reflected upon it with scruples and unworthy expressions; that his commissioners, chosen by himself, had been threatened with charges of treason, and ignominiously traduced for nothing, as he could yet hear of, but putting their commission into execution according to their duty, by those he did not intend should ever be their judges, as he by no means approved that the same men should be makers of law, judges, parties, and witnesses—all which he found they intended to be. Nor could he without resentment think upon their presumption in offering rules and directions as orders for his commissioners’ proceedings, and their ordering their Speaker’s speech to be printed. He therefore authorised Ormonde to let the House of Commons know his sentiments, and that he had given him power to dissolve the Parliament if they did not make amends.†

Sir Audley Mervyn and the Parliament laughed in their sleeves at all this indignation, knowing perfectly well that Ormonde could not trust the army against their companions, and that he did not dare—as he informed the King—to call upon the Irish in the several districts to aid the sheriffs, as it would bring on a renewal of civil war.

They had, in fact, gained their object; for although Colonel Jephson and Colonel Warren were executed, Ormonde did not dare to bring in another Bill in favour of the Innocent Papists:

\* “Clarendon Papers,” MS., unbound. “Bodleian Papers,” Oxford.

† King’s Letter, under Privy Seal, dated February, 1663. “Carte Papers,” vol. xliii., p. 64.

so that if ever men died to save their companions, Jephson and Warren did, and may be held up as the successful champions of the Cromwellian planters in whose service they fell. The House of Commons were now ready to expunge their resolutions, and, having done so, the king (May 26th, 1663) expressed his satisfaction that they had vacated their order reflecting on the commissioners, so that no memory of it might remain.\*

But the poor Irish Innocents remained unheard and unredressed, and the Court of Claims continued closed for more than two whole years, and when it opened again (on 3rd January, 1666) it was under a new Act of Parliament called "The Act of Explanation," which forbade the commissioners to pass any further Decrees of Innocence.† The new Court of Claims, opened in 1666, was confined altogether to Protestants. The conflict there was principally between the "adventurers," and "soldiers" (those "two brethern in iniquity," as Sir William Domville, Attorney General of that day did not hesitate to style them in a private letter to the Duke of Ormonde)‡. The Protestant officers who fought against the Irish from 1641 till 1649, when the king was beheaded and the monarchy overthrown (called shortly "the '49 officers"), and some few other classes all Protestants or English.

In the second Court of Claims, opened in 1666, Sir Audley Mervyn found full employment as a leading lawyer. When the Duke of York's agents used the name of their master to oppose every motion there under the pretence that it might infringe on the reprisals he was entitled to for losing Oliver Cromwell's allotment, which was granted to him by the Act of Settlement among other regicides' lands, Sir Audley Mervyn was employed to denounce these iniquitous agents, the head of whom was Sir Jerome Alexander. They had a

\* "Carte Papers," vol. xliii., p. 108.

† 17 & 18 Charles II., chap. ii., sec. 3.

‡ Sir A. Domville to Ormonde, 8th of March, 1661-2. "Carte Papers," vol. xxxi., p. 266.

private gain in delay, for it enabled them to let such lands as they claimed for His Royal Highness, and to take the fees on each yearly letting. For Oliver Cromwell's lands in Meath they claimed a reprise, not because they had been given back to the old proprietors, but because the king had bestowed them in the Act of Settlement on John Russell, of Chippenham, in Cambridgeshire, a Royalist, but cousin of Henry Cromwell's wife.\*

There were 5,225 acres set out in the county of Meath for Oliver's arrears, for his nine months' campaign in Ireland.†

Colonel Cooke, one of the commissioners, writing to Ormonde on the discontents caused by the duke's agents, says, "This morning (26th May, 1668), at our first meeting almost, we were saluted with petitions from suitors by the hands of Sir Audley Mervyn, who backed them in a most pertinent speech, setting forth the sufferings of the nation by the delays, and the causes of them. He came to the tempters and the tempted. Thornhill and his accomplices were the former; the commissioners the latter." And so he goes on to describe the scene as already given in the account of Sir Jerome Alexander in the former volume of these "Transactions."

He was more honourably employed thus than in persuading adventurers he could get them their moneys allowed, which they had advanced on the doubling ordinance, and taking from them twopence and threepence per pound,‡ which he had no chance of effecting, or in purchasing up lands whose title as commissioner he was sure to be called to decide upon.

Of his public life there are no further notices. The Parliament of the Restoration was dissolved in 1666, as soon as it had passed the Act of Explanation, and the Court of Claims closed on 3rd January, 1669. No Parliament was again summoned till the Revolution. In 1675 Sir Audley died. He was twice married; first to Mary Dillon, by whom he

\* 14 & 15 Charles II., Irish.

† Clarendon Papers MS., Bodleian Library.

‡ William Hill to Lord Whanton. Dublin, 20th April, 1661. "Carte Papers," vol. lxxx., p. 465.



had one son, Henry, and a daughter, Lucy, who died unmarried. He married, secondly, Martha, daughter of Sir Hugh Clotworthy, sister of John, Earl of Massareen, who died 24th August, 1685, and by her had other issue.

In the funeral entries he is described as 'of Omagh,' so that he must have changed his residence from Trelick, which, however, is to this day in the possession of one of his descendants, Captain Mervin Archdall. The pedigree annexed shows Sir Audley Mervyn's descent.

# M E R V Y N.

SIR JOHN MERVYN, Kt.= Jane, dau. of Sir Phillip Baskewell

Sir Edmond Mervyn, of Durford  
(1550), in Kent

Sir James Mervyn, eldest son, of Fonthill

Elizabeth, wife of John Ryves, of Damary Court, Dorsetshire, Esq.

Sir Henry Mervyn, Vice Admiral of the Narrow Seas, of Durford, and Fonthill, Wiltshire

Elizabeth, wife of Peter Bellesworth

Lucy, dau. and heir, wife of George Touchet, Lord Audley

Sir Edmund Mervyn, of Durford, and Fonthill, Wiltshire, Knt.

Elizabeth, dau. of William Jephson, of Froyle, Hampshire

Sir Henry Mervyn, of Durford, and Fonthill, Wilts, Knt., Admiral of the Narrow Seas. Knighted 1640

= Christian Touchet, dau. of George Baron Audley, Earl of Castlehaven

Edmund Mervyn, Esq., 1634, of Wilts. Died 14 Aug., 1634: buried in St. John's, Dublin. Will dated 11 Aug., 1634, proved same year

= dau. and heir of Sir Clifford

Philip Mervyn

Richard Mervyn

F  
E

F

E

James Mervyn, Esq., = Elizabeth, dau. of Sir John Phillipot, of Thaxton, Hampshire, Knt. Died 13 May, 1640: buried in St. Werburgh's Church, Dublin

Mary, dau. = Dillon. First wife

Sir Audley Mervyn, of Omagh, in Tyrone, Kt., Prime Sergeant for Ireland: Knighted. Died 24 Oct., 1675. Will dated 18 Oct., 1675; proved 13 April, 1676

= Martha, dau. of Sir Hugh Clotworthy, Knt., sister of John, Earl of Massareen. Died 24 Aug., 1685: buried in St. Werburgh's Church, Dublin. F. Ent. XII. 58.

G

Susan, dau. of Sir William Balfour, of Mountwhannny and Pitcullo, Fife-shire, relict of Hugh, Lord Glenawly

= Hannah, dau. of Sir John Knox, of Dublin, Knt. Second wife, no issue

Hugh Mervyn, of the Nall, Esq., certified his mother's funeral certificate, 1685

H

I

Audley Mervyn, of Trelick, = Olivia, dau. of Richard, Earl of Bellomont, Lord Coloony, &c. Died April, 1720. Will dated 5 April, 1720; proved 10th same month

—, wife of William Archdall, of Castle Archdall, Esq.

= Martha, wife of Edward Carey, of Dungiven, Esq.

K

L

M



F						
E					Mervyn Clifford	Frances
	Elinor, wife of Richard Rouse, of Rogate, Esq.	Deborah, wife, first of Leonard Blennershasset, Esq.; secondly of Rory Maguire, son of Bren, Lord Maguire	Mary, wife of Capt. Wm. Mercer			
G	George Mervyn, of —, = Elizabeth, dau. of Sir Walter Borrowes, Bart., of Gilttown, in Kildare. Mar. Art. dated 23 July, 1680. Relict of Wm. Jones, son of Hen., Bishop of Meath		Christian, wife of Robert Cecil, Esq., son of the Hon. William Cecil, Earl of Salisbury, 1695	=		S
H						
I	Deborah, wife of James Montray, of Aghamoyles, county Tyrone, Esq., <i>alias</i> Favour Royal		Elizabeth Hampson, = Arthur Mervyn, of Baldwinstown, = Jane Cunningham, widow and the Nall, Esq. Will dated 28 March, 1776; proved 23 May following. Had a natural son, Arthur Russell, <i>alias</i> Mervyn	=		R
			:			
			P			
			O			
K			N			
L			K			
			L			
M			M			

S	S
R	R
P	P
O	O
N	N
K	K
L	L
M	M

Henry Mer- = Mary, dau. = Audley Mer-  
vyn of Tre- of — Tich- vyn, of  
lick, Esq. bourne. The Nall, of  
Will dated Married Esq. Died  
7 Jan., 1747; 1771; lic. without  
proved 4 dated 21 issue  
June, 1765.  
Died with-  
out issue

Richard Rochfort, = Letitia  
Esq. Assumed Richardson,  
the name of Mer- only  
vyn, ob. int. adm. daughter  
25 October, 1776,  
s.p.

James Edwards  
James Edwards  
Elizabeth Edwards  
Anne, wife of Barnes  
Olivia Harman  
Wellesley Harman  
=

Wentworth Harman

S	R	P	O
N	K	L	M
Wentworth = Lucy Harman	Elinor, wife of Christopher Irvine, Esq., of Castle Irvine	Mervyn Archdall, Esq., a Colonel in the army	John = Rebecca M—
T	Thomas Harman	William Irvine Henry Irvine	Sarah, wife of Charles Stewart, Esq.
		Olivia Mary Elinor	Anne, wife of George Gledstone
S	R	P	O
Frances Mervyn	Letitia, wife of — Hogan	Audley Mervyn, born before 1683	William Cecil Robert Cecil
	Arthur = Jane Cartwright, widow, Mervyn, mar. 1768: lic. dat. nat. son 19 January	Elinor	



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